

1 The Honorable Board of Lander County Commissioners met in
2 regular session in the Commission Chambers of the Lander County
3 Courthouse and Administration Building in Battle Mountain,
4 Nevada, 50 State Route 305, on January 25, 2018, at 9:00 a.m.
5 Transcript produced by Tiffany Elkington, C.C.R., #930.

6
7 **PRESENT: PATSY WAITS, COMMISSIONER**
8 **SEAN BAKKER, COMMISSIONER**
9 **ART CLARK III, COMMISSIONER**
10 **DOUG MILLS, COMMISSIONER**
11 **JUDIE ALLAN, COMMISSIONER**
12 **KEITH WESTENGARD, EXECUTIVE DIRECTOR**
13 **SADIE SULLIVAN, COUNTY CLERK**
14 **THEODORE HERRERA, DISTRICT ATTORNEY**
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18 (Let the record reflect the presence of a quorum of five
19 commissioners. Let the record reflect the presence of Austin
20 via teleconference.)
21

22 CHAIRMAN MILLS: -- order the Lander County Commissioners
23 meeting, Town Board of Battle Mountain, Austin Board of County
24 Highway Commissioners, January 25, 2018.

25 Please rise for the Pledge of Allegiance.

26 Judie, will you lead us.
27

28 (Pledge of Allegiance)
29

30 CHAIRMAN MILLS: We'd like a moment of silence, please.
31

32 (Moment of silence)
33

34 CHAIRMAN MILLS: Thank you.

35 Lander County Commissioners may break for lunch from 12:00
36 p.m. to 1:15 p.m.

37 Any agenda item may be taken out of order, may be combined
38 or con- -- for consideration by the public body, and items may
39 be pulled or removed from the agenda at any time.
40

1 **COMMISSIONER REPORTS**
2

3 CHAIRMAN MILLS: Commissioners' reports on meetings,
4 conferences and seminars attended.

5 Judie?

6 COMMISSIONER ALLAN: I have nothing.

7 CHAIRMAN MILLS: Okay. I do have just a couple of things.

8 I had a phone call with J-U-B. They're the engineers that
9 we have for our airports.

10 They gave us three options on airport hangar designs. And
11 it was basic- -- that they -- they gave us an option for
12 basically, like, a duplex, two hangars and a small building --
13 and we could build just multiples of those -- or a big, long row
14 with -- with six hangars in it. And there were two options for
15 that. One was -- one was much more expensive than the other just
16 based on the way the building was designed.

17 And we asked them to proceed with some pricing on just the
18 little duplex hangars because it solves several issues for us.
19 There's -- there's issues with drainage of water, with grading
20 of the land, and then it also provides us the ability to add
21 more hangars in future if we want to, just two at a time, which
22 would make things much cheaper in the future also.

23 So we're going to -- they're going to give us some pricing
24 on that in the future.

25 Also, last night we had our hospital board meeting. We did
26 elect a new chair, vice chair, and secretary. The new chair
27 will be Cindy Walsh. The vice chair is Nancy Lockridge. And
28 the secretary is Marla Sam.

29 Had a good discussion. We do have a new CEO for the
30 hospital here, Jason Blake. And things are looking pretty good.
31 Everybody seems to like him real well. He comes across well.
32 He's very pleasant. People so far are liking him really well
33 and it's very encouraging.

34 We did get an update from EMS. One of the neat things for
35 EMS is that they received a grant for \$14,000 to help them with
36 some of their training, so they can buy some nice training
37 supplies and things to help them with that.

38 Overall things -- it was a good meeting. And things went
39 pretty well. We'll -- things are looking up for the hospital, I
40 think.

1 Let's see if there was anything else there.
2 I think that's it.

3 Sean?

4 COMMISSIONER BAKKER: Okay. I have two things to give an
5 update on, and one, when Bert gets here, I'll come back to.

6 But the first thing is the next week the RFP for the stucco
7 at the sheriff's department will go out for advertisement so we
8 can get that going. It will advertise for three weeks.
9 Hopefully whoever bids on it, then Robert and Ron -- Doug, you
10 and I will probably sit down and do interviews and bring it back
11 to the board, depending on who the sheriff's department feels
12 comfortable with, and then kind of go from there.

13 And then when Bert gets here, I have another update, but
14 I'll wait for Bert. So Patsy?

15 COMMISSIONER WAITS: Okay. Thank you.

16 On the 16th of January, I did attend a Convention & Tourism
17 Authority meeting. Most of it was taken up with our feasibility
18 study. And that's for the expansion and our growth for the --
19 the human-powered activities. So that was -- that was pretty
20 intense. But that will be ongoing. And it was excellent.

21 They did a real good job. There's lot to it that we need
22 to -- to take a look at.

23 On the 17th we had an invitation by BLM for roadsides fuel
24 break coordination meeting. And our chair, Commissioner Mills,
25 also attended on that one.

26 This is a -- a really different idea with the coordination
27 that they want to do. But they want to do fuel breaks along our
28 highways, probably about a hundred feet each way, they said.
29 But they want to coordinate it with the county and the state and
30 the federal and the ranchers and everybody to take part. So
31 that -- that's the unusual part of it. Really, anytime they
32 want to do partnering, I think it's an excellent thing. So
33 great idea. Most certainly because we want to help with the
34 cost of the suppression of the wildfires and prevent the fire
35 from jumping over the roads and such. So some -- some good
36 ideas. We'll hear more on that. And I do think probably Bert
37 will be attending for us under the public works, would be the
38 (indiscernible). Because this was just an initial meeting to
39 get some ideas and -- and such.

40 Also on the 17th I had a Kingston Town Board meeting. And

1 they have completed -- their appraiser that was hired by our
2 assessor -- a land appraisal for Kingston. Bottom line was it
3 went from about \$7 million down to \$5 million, about 28 percent
4 lower than what they thought.

5 But -- but it is done. So we'll -- we'll be using that.
6 And of course they're working on -- on the budget.

7 And the fire department has eight good, qualified
8 volunteers that are staying on top of everything. And -- and I
9 reported our -- our new fire chief and so -- Chance -- and so
10 he's working with -- with Keith very closely on that.

11 On the 19th I had my NACO meeting. And it's a couple
12 things on that one.

13 One of our representatives that spoke to us was on the
14 opioid epidemic in Nevada counties. And, no, I'm not going to
15 go through the whole thing. Honest, I'm not. But I hope that
16 we do because I do want to put it on our agenda.

17 But I just wanted to give you a couple highlights on it.
18 The opioids are the most commonly prescribed medication in the
19 United States. The class of drugs includes heroin, prescription
20 pain relievers such as OxyContin, Vic- -- Vicodin, codeine, and
21 more.

22 And we do need to take a look at that. But the recitation
23 was by a local Nevada law firm and also on the line from a law
24 firm out of Ohio. And both of these law firms have taken on
25 huge, big manufacturers. And they spoke to us regarding the
26 fact they felt the counties should be involved individually.
27 The state is already on it. But it's like the -- the tobacco
28 settlement. The state got it and they kind of passed it on
29 down.

30 But the opiate epidemic, which affects us severely, not
31 just in the counties but most certainly in the jails too, for
32 the people that are not necessarily Lander County residents.
33 But we're affected so much with the cost that, if we did a
34 lawsuit individually -- and that's their point -- that the
35 settlement would come to the county so that we could actually
36 try and handle some of these things.

37 The reason they want to go after the manufacturers -- and,
38 of course, like I said, the states are going after it -- but the
39 -- the biggest reason is because they felt that they have done
40 very aggressive, inaccurate marketing. And they gave -- and

1 that was to a lot of our -- our doctors, of course. But they
2 were given misinformation. And because of that, they feel it
3 definitely has, you know, escalated in- -- into the epidemic of
4 where we are and -- and who's affected.

5 So it's a public health crisis. And they felt the county
6 needs the settlement proceeds. So we'll hopefully put that on
7 the agenda.

8 Another one that was very interesting is our Secretary of
9 Interior, which is taking some administration action to divide
10 the -- the BLM areas in all of the counties into different
11 areas.

12 The state of Nevada will be divided into three regions.
13 The north region will go to Salt Lake City. Southern region --
14 region, Phoenix. And then Nye County, all by itself, is part of
15 Los Angeles.

16 And it's, like, I can see that now. They're going to go,
17 we're going to do a gathering. And all the protesters in Los
18 Angeles come out and go, I don't think so. You know, and all
19 the numbers, I'm going, wait. How do they know what's going on
20 in the West? So...

21 But it's administrative action. So we need to put that on
22 the agenda, see what we can do. I don't even know how close our
23 representatives are aware of what's going on, if -- if we can do
24 anything. But it's another layer of bureauing. And it looks
25 very similar to the 2.0 that we looked at and finally got down.
26 But the formula is we could very well lose our voice. So that's
27 very important.

28 And we're also looking at federal priorities for the
29 legislative conference. And we'll finish those up next month.

30 And they talked to us about drones and the policies and
31 procedures and what -- what they're doing about the drones.
32 They encourage the counties to be very active with the -- the
33 upcoming discussion on the FAA regulations.

34 And some of their concerns were, if they have an Amazon
35 drone and they have a UPS drone and they crash, who cleans up
36 the mess? Where does the cost go? So if we don't have anything
37 in place, we don't know.

38 So that's an interesting part. We know we have to handle
39 that coming up too.

40 The other thing I wanted to pass on was Tonopah now has the

1 hospital contract with Renown and REMSA. So they have
2 paramedics. So that's the good news.

3 On the 20th of this month, we had an EMS fly-in at the
4 airport. Kind of informal, but they brought in their new
5 fixed-wing. It's called REACH 58, if you ever have to ask for
6 it. And what a beautiful little airplane. It's just got -- it
7 really is. It uses jet fuel. So we need jet fuel.

8 But it took them 25 minutes from Elko to Austin. And
9 that's faster than some of the paramedics on some of our -- our
10 EMTs can get in. And we're certainly on the scene usually that
11 long just stabilizing. So if it's something that was a bad
12 rollover and we have to, you know, pry them out or something,
13 that takes longer.

14 So we thought, wow, there they are at the fixed-wing at the
15 airport. And now we have a courtesy car. So the pilots could
16 go in the pilot lounge and relax. And the paramedics get in the
17 courtesy car and come out and help us. So it's got some real
18 exciting possibilities. And it's good news for the whole south.

19 And that's -- that's all I have. Thank you.

20 CHAIRMAN MILLS: Okay.

21 Art?

22 COMMISSIONER CLARK: I haven't been to any meetings. But
23 I -- I do have something that I'm pretty excited about and
24 that's that we're now going to have a -- it appears that we're
25 ready to have a school resource officer. This is something that
26 the commissioners and the Sheriff's Office and the school
27 district have been working on for a long time and something that
28 I wanted to get done when I was on the school board, but we ran
29 out of time, I guess. But that's really an important position
30 for our kids and our staff.

31 CHAIRMAN MILLS: Thank you. Sean, I think you can
32 finish --

33 COMMISSIONER BAKKER: I have one --

34 CHAIRMAN MILLS: -- up yours.

35 COMMISSIONER BAKKER: -- more update. Bert? So for the
36 past -- oh -- six, seven months, we've been working with the
37 tribe on a project. And Bert's been negotiating on my behalf or
38 the county's behalf. And we've been talking about the Rock
39 Creek Dam project again.

40 Now, I know the county's tried this before and they lost a

1 lot of money doing it, but we've taken a different approach
2 where we've started negotiating with the tribe to see if we can
3 make a co-op of a working partnership per se.

4 Bert?

5 BERT RAMOS: Bert Ramos. Anyway the -- so now it's kind of
6 coming to the point where the -- I think that we're going to
7 start bringing the -- the tribe to you guys to make some -- some
8 decisions on -- on going forward.

9 Part of our negotiations are -- are possibly some land that
10 the county has and the water that's going to feed the casino --
11 and sewer.

12 So, you know, it's -- there's some expenses to the county.
13 And they -- and they are gathering all the -- I didn't -- like
14 everything, when you get involved with something, you don't
15 realize everything else that it takes to get it done. But they
16 have tried from Idaho, Arizona, Utah, back in Washington,
17 everybody else that they've had to get in contact with, to -- to
18 kind of get this thing headed in the right direction.

19 But it sounds to me like they're -- they're in support of
20 it. They're just -- you know, they have to make sure there's
21 some land up there that is protected that they'd like to keep
22 protected. And so we'll be -- we'll be coming back in front of
23 you guys with --

24 COMMISSIONER BAKKER: But it'll help --

25 BERT RAMOS: -- them --

26 COMMISSIONER BAKKER: -- help us with water storage for the
27 Humboldt per se. Because Rock Creek is not in the Humboldt
28 decree. So it'll be Lander County water storage. So it'll also
29 help us with our Pershing County water -- water lawsuit with the
30 state, moving forward. There's -- there's many benefits from
31 this. But we'll have to agendize that to discuss that, moving
32 forward.

33 CHAIRMAN MILLS: Also on that, I was at a Humboldt River
34 Basin Water Authority meeting. And they brought up that three
35 times the capacity of the Rye Patch Reservoir, this last spring,
36 flowed through out into the Humboldt Sink and is evaporating off
37 and gone.

38 And we -- so I asked the -- if the -- somebody from the
39 state water engineer's office was there. And I asked him, have
40 you ever identified or looked at anywhere along the Humboldt

1 River for places where we could do storage of some of that
2 water? And instead of just flowing it out into the desert and
3 letting it evaporate? And they said, no, we never look at that.
4 Not their concern. They don't care.

5 I'm going, holy cow. The Humboldt River? I mean, we've
6 got so many problems from the Humboldt River, lawsuits and --
7 and everybody fighting over water. It's overappropriated. It's
8 all these things going on with water in the Humboldt River. And
9 it seems like we need to do something to maybe store some of
10 that water when we have opportunity to store it.

11 So we decided to relook at the Rock Creek Dam project and
12 see if we can -- if -- make some benefit out of, you know, use
13 some of that water and gain something from it.

14 COMMISSIONER CLARK: So they -- they gave up the idea of
15 building a Quonset hut to store water?

16 COMMISSIONER BAKKER: Yeah.

17 CHAIRMAN MILLS: I never heard that one.

18 COMMISSIONER CLARK: Oh, yeah.

19 CHAIRMAN MILLS: Okay.

20 COMMISSIONER BAKKER: But --

21 COMMISSIONER CLARK: They were going to --

22 COMMISSIONER BAKKER: -- if the county can partner with the
23 tribe, this will be a monumental step in our relationship.

24 CHAIRMAN MILLS: Right.

25 COMMISSIONER CLARK: Yeah, it will.

26 COMMISSIONER BAKKER: So --

27 BERT RAMOS: Yeah, they're -- they're who shut it down the
28 last go around. So --

29 CHAIRMAN MILLS: Right.

30 COMMISSIONER BAKKER: Are you getting sick?

31 BERT RAMOS: -- pretty much it.

32 Then I'm not sure -- I don't have an update on this agenda,
33 but I -- a couple quick things I wanted to hit the commissioners
34 with real quick. And then -- then I was going to ask you guys
35 for something as well. But the -- really important. And I
36 didn't have time to sit and -- and put the exact numbers on
37 this, but we did open up bids for our Allen Road water line and
38 paving project yesterday. And Hunewill came in over a million
39 dollars under the closest bidder, a third of the -- of the
40 price. They come in at 2 million. And next one came in at a

1 little over 3.

2 And just incredible. I mean, the -- the way that they
3 treat the county is incredible. I can't -- I can't --

4 CHAIRMAN MILLS: Wow.

5 BERT RAMOS: -- believe it. The -- and, you know, with our
6 previous project, they -- they'd come in little over \$600,000
7 under the next closest bidder and then gave a change order back
8 to the county for another \$200,000 at the end of the project for
9 money that we'd saved on different -- different items in the
10 project.

11 So I just really wanted to point that out that -- how --
12 how nice that is, you know, Hunewill to come to town and -- and
13 always have their pencil as sharp as anybody. I mean, 30- --
14 like 37 percent cheaper than the next closest bidder, which --
15 and Q&D and, you know, some -- some big -- some big bidders
16 showed up here. There were nine contractors showed up for the
17 prebid, the mandatory prebid and three bidders that -- that bid.
18 So it's not like there was not a healthy competition.

19 And then the next thing is Doug had an idea on -- on maybe
20 the commissioners getting together and coming up with the --
21 some pointed budgeting items that you guys would like done.

22 COMMISSIONER WAITS: That's on the agenda.

23 BERT RAMOS: Okay.

24 I'm hoping we can get that done because that'd make my --
25 my life a lot easier.

26 So --

27 COMMISSIONER BAKKER: Okay.

28 BERT RAMOS: -- the last thing I'll ask is if you guys
29 could table the contract until we get the exact APNs on the
30 property that's out here.

31 CHAIRMAN MILLS: Is that with the Land Venture --

32 BERT RAMOS: Yeah, this will be the last time. So Judie
33 doesn't -- beating me up in public.

34 CHAIRMAN MILLS: Again?

35 COMMISSIONER BAKKER: Thanks, Bert.

36 BERT RAMOS: Ted's -- Ted's already getting ready to start.
37 So --

38 DISTRICT ATTORNEY HERRERA: Wow.

39 COMMISSIONER BAKKER: Okay.

40 CHAIRMAN MILLS: Don't look at me.

1 COMMISSIONER BAKKER: Thank you.
2 CHAIRMAN MILLS: Make a note on that.
3 COMMISSIONER BAKKER: Staff --
4 CHAIRMAN MILLS: It's --
5 COMMISSIONER BAKKER: -- reports.
6 CHAIRMAN MILLS: -- Number 12?
7 DISTRICT ATTORNEY HERRERA: (Indiscernible.)
8
9

10 STAFF REPORTS

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12 CHAIRMAN MILLS: Okay. We'll move on to staff reports on
13 meetings, conferences, and seminars attended.

14 KEITH WESTENGARD: I did have a meeting with Jason, the CEO
15 at -- at the hospital, as well. We talked about EMS and -- and
16 county hospital board -- hospital relations.

17 He's going to be at the next meeting. And he'll introduce
18 himself or we'll introduce him. And you guys can talk with him,
19 if you'd like, at that time.

20 We did have a safety meeting la- -- yesterday. One of the
21 things that came up -- or several things came up -- they'll be
22 on the next agenda -- that have to do with this building and --
23 and some things that have been requested in the past and -- and
24 have not happened. So that'll be coming up.

25 There's -- there's some other things, but they're also on
26 the agenda.

27 So that's all --

28 COMMISSIONER BAKKER: Good.

29 KEITH WESTENGARD: -- I have.
30
31

32 PUBLIC COMMENT

33
34 CHAIRMAN MILLS: Okay. Moving to public comment for
35 nonagendized items only.

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

1 Reasonable restrictions may be placed on public comment based
2 upon time, place, and manner, but public comment based upon
3 viewpoint may not be restricted.

4 Public comment?

5 UNDERSHERIFF ROBERT QUICK: Robert Quick for the Sheriff's
6 Office.

7 Just wanted to provide information to the board. About two
8 weeks ago we were notified by the Bureau of Indian Affairs that
9 they assumed all law enforcement activities and court activities
10 from the tribe.

11 The department -- Western Shoshone Department of Public
12 Safety was disbanded by the Bureau of Indian Affairs.

13 COMMISSIONER CLARK: And what does this mean?

14 UNDERSHERIFF ROBERT QUICK: Other than they have no more
15 local law enforcement. And the BIA is responding from either
16 Owyhee or Elko at the point. And we do not respond to the tribe
17 unless we specifically are requested.

18 That's basically it.

19 CHAIRMAN MILLS: Okay.

20 COMMISSIONER BAKKER: Okay.

21 CHAIRMAN MILLS: Thanks.

22 COMMISSIONER WAITS: Thank you.

23 COMMISSIONER CLARK: Thanks, Robert.

24 CHAIRMAN MILLS: Interesting.

25 Other public comment?

26 (No comment.)
27
28

29 CONSENT AGENDA

30
31 CHAIRMAN MILLS: Okay. We'll move on to consent agenda.

32 All matters listed under the consent agenda are considered
33 routine and may be acted upon by the Board of County Commissioners
34 with one action, without extensive discussion. Any member of the
35 board or any citizen may request an item be taken from the consent
36 agenda, discussed, and acted upon separately during the meeting.
37 Consent agenda materials are available at the Lander County
38 Clerk's Office for viewing, and copies are available for a nominal
39 charge.

40 One, approval of January 25, 2018, agenda notice; two,

1 approval of January 11, 2018, meeting minutes; three, approval
2 of the payment of bills; four, approval of payroll change
3 requests.

4 COMMISSIONER BAKKER: We need to pull the minutes, don't
5 we?

6 COMMISSIONER WAITS: No minutes.

7 COMMISSIONER BAKKER: No minutes.

8 CHAIRMAN MILLS: Yeah.

9 COMMISSIONER BAKKER: Okay. I'll make a motion to approve
10 the payment of the bills and approve the payroll change
11 requests.

12 COMMISSIONER ALLAN: And approve the agenda notice.

13 COMMISSIONER BAKKER: Approve -- yep. Sorry. Thank you.
14 Approval of January 25th, 2018, agenda notice.

15 COMMISSIONER ALLAN: Second.

16 CHAIRMAN MILLS: Sean made a motion. Judie seconded.
17 Do we have any public comment?

18 (No comment.)

19 CHAIRMAN MILLS: All in favor?

20 COMMISSIONER BAKKER: Aye.

21 COMMISSIONER ALLAN: Aye.

22 CHAIRMAN MILLS: Aye.

23 COMMISSIONER WAITS: Aye.

24 COMMISSIONER CLARK: Aye.

25
26
27 **COMMISSIONERS**

- 28
29 1) **Discussion and possible action to approve/disapprove FY**
30 **2016-2017 Lander County Audit as presented by HintonBurdick,**
31 **and all other matters properly related thereto.**
32

33 CHAIRMAN MILLS: Agenda Item Number 1. Discussion and
34 possible action to approve/disapprove fiscal year 2016-2017
35 Lander County Audit as presented by Hinton and Burdick, and all
36 other matters properly related thereto.

37 CHAD ATKINSON: Members of the commission, my name's Chad
38 Atkinson. For the record, I'm a partner with HintonBurdick CPAs
39 & Advisors.

40 And I'm going to cover the fiscal year 2017 audit

1 presentation today and hope that you'll ask any questions as I
2 go along.

3 I'm going to stand up, if that's all right, --

4 CHAIRMAN MILLS: Go ahead.

5 CHAD ATKINSON: -- and move around a little bit.

6 First of all, I want to say thank you to the county staff for
7 their assistance in completing the work for this fiscal year '17.
8 There were a few bumps in the road that we've discussed in
9 previous meetings, which we'll cover a little bit later as we
10 discuss -- go through the audit presentation.

11 But we're pleased to be finishing this up and presenting it
12 to you today.

13 I wanted to encourage you, on a couple of items, to read the
14 letters of transmittal and also the management's discussion and
15 analysis in your financial statements that were provided.

16 Those documents focus in on the highlights for the fiscal
17 year and would be well worth your reading if you don't get a
18 chance to go through the 140-page document that we've provided
19 to you. So...

20 So in my presentation today, I was -- I've listed out here
21 some of the main questions I want to try to address. Base --
22 they're basic things. You know, what were the financial
23 highlights through the year? What reports did we issue? And what
24 were the opinions associated with the reports? What resources do
25 you have on hand at the end of the fiscal year? And what were the
26 findings from the audit?

27 So I'll try to do those at a very high level, keeping in
28 mind that we can have detailed discussions later on if you
29 (indiscernible).

30 So I'm going to start today. And I apologize. I don't
31 have this for the public. But we're going to look at your
32 financial statements on page 18 and page 21.

33 So let's start on page 18 if we can. This is a statement of
34 the revenues and expenditures for your major funds within the
35 county: the General Fund, the CCP Fund, and the Airport Capital
36 Improvement Fund.

37 So we've listed out the revenues there at the top and the
38 expenditures that took place.

39 And then I'm going to focus in mostly on the -- the net
40 change in fund balance, which is the third line from the bottom.

1 You can see that the General Fund had a -- a nice increase to
2 its -- its fund balance for the year of 2.3 million.

3 The CCP Fund had a reduction in its fund balance of
4 7.6 million, primarily related to construction projects that were
5 planned.

6 And also the Airport Capital Improvement Fund had a reduction
7 in its fund balance of 334,000. And that was some projects that
8 were going on there as well.

9 So just wanted to give you a -- a chance to look at that.

10 You can see the other governmental funds, which includes many
11 different funds, had a sizable increase in their fund balances
12 of -- of 7.7 million.

13 So overall, the fund balances for the county, the
14 governmental activities, increased by 2.1 million. And that's at
15 -- that's that last column to the right.

16 So that's the overall changes for the governmental funds.
17 And then I wanted to look also at page 21. Page 21 presents the
18 Battle Mountain Water and Battle Mountain Sewer and also the Mount
19 Lewis communication site. Revenues are listed here and
20 expenditures for the year.

21 And just to summarize, the Battle Mountain Water Fund had
22 an increase in its -- its net position or fund balance of
23 134,000. The Battle Mountain Sewer Fund increased its net
24 position by 2.5 million, primarily due to some -- some
25 construction projects that were completed by the governmental
26 activities and then transferred to the Battle Mountain Sewer
27 Fund.

28 So you can see the -- the capital contributions for
29 governmental activities in the sewer fund were 1.8 million. So
30 that's just projects that were completed and then transferred to
31 that fund.

32 COMMISSIONER WAITS: But, Chad, we're still showing a loss?

33 CHAD ATKINSON: No. No. You're having an increase there.

34 COMMISSIONER WAITS: Because this is operating income loss
35 and that was identified.

36 CHAD ATKINSON: Yeah. A little bit of an operating income
37 loss. But if you take into account the county option sales tax
38 there, that's --

39 COMMISSIONER WAITS: We offset it with the sales tax, yes.

40 CHAD ATKINSON: Yeah.

1 COMMISSIONER WAITS: But it was an operating loss --
2 CHAD ATKINSON: Uh-huh.
3 COMMISSIONER WAITS: -- of our water and sewer both.
4 CHAD ATKINSON: That's correct. Yeah.
5 COMMISSIONER WAITS: Okay.
6 CHAD ATKINSON: User fees are not covering the operating
7 expenses.

8 COMMISSIONER WAITS: Right.
9 CHAD ATKINSON: Yeah.
10 COMMISSIONER WAITS: Okay.
11 CHAD ATKINSON: If that's what you're asking now.
12 COMMISSIONER WAITS: Okay. Thank you.
13 CHAD ATKINSON: Uh-huh.
14 Yep. So --

15 And then the Mount Lewis communications site had a
16 little -- a loss of 32,601.

17 Any other questions on that? Clarifications?
18 Okay.

19 All right. I'm going to move to -- we're tracking -- if you
20 want to turn to page 16 in your financial statements, we're
21 tracking fund balances for the county in our audit presentation.
22 And this -- this is a visual representation of the fund balances.

23 So in the General Fund first, you can see that the fund
24 balances have been increasing over the last five years. And the
25 unassigned fund balances, your -- your top line there is 39 point
26 -- I can't see that far -- 39.6 million of unassigned fund
27 balance. So healthy fund balance there.

28 There -- there are a couple other categories listed.
29 There's an assigned fund balance of two -- a little over
30 \$2 million. And that's assigned for next year's budget, so
31 fiscal year '18's budget.

32 There's also a committed fund balance for retiree insurance
33 of 1.4 million.

34 And then there's an amount restricted for public safety
35 activities of 22,000.

36 So overall, the General Fund is -- is healthy and strong and
37 -- and trending in the right way. It's gradually increasing to
38 provide services and benefits to the county.

39 Any questions on that?

40 Okay. Here's your CCP Fund. So the CCP fund has been

1 involved in a number of projects over the years, capital facility
2 projects. And as a result it's been on a -- a little bit of a
3 de- -- a decline for the last five years.

4 Some of the projects completed are the county administration
5 building, the Battle Mountain Recreation Center, golf course
6 projects, paving projects, and Battle Mountain sew- -- sewer and
7 water projects.

8 In fiscal year '17 in particular, there were significant
9 paving projects and the recreation center were the main
10 expenditures. And so those were planned. And so the -- at the
11 end of the year, there's 35.6 million in remaining fund balance
12 that's available for capital projects in the future.

13 So any questions on -- on that one?

14 Okay. Airport Capital Improvement Fund balance. This is a
15 major fund this year due to -- due to a couple of projects that
16 occurred.

17 The main projects for fiscal year '17 were Battle Mountain
18 Airport pavement rehabilitation project and the Austin Airport
19 fuel system.

20 So the fund balance in this fund decreased a little bit
21 from fiscal year '16 to '17 by 334,000. But it still has three
22 -- 3.1 million in fund balance available in that fund.

23 Okay. This is Battle Mountain Water net position trend that
24 we've been watching. So as we mentioned earlier, the net position
25 in this fund improved by 134,000. The line that you see there is
26 your investment in capital assets. So you have 16.9 million in
27 capital assets. It de- -- decreased just a little bit. And
28 that's just due to wear and tear in the assets that are in that
29 fund.

30 There's also been a little bit of a change in the restricted
31 amounts. You can see that's the line that was -- heretofore, it
32 was reported as zero and now it's at 1.9 million.

33 In the past, the -- the water fund has had some projects
34 that were done through what's called the AB198 program in -- in
35 Nevada. And that program requires a -- a reserve fund be built
36 to replace the capital projects that have been done previously
37 with those funds.

38 And so the -- we worked with the Nevada Department of Envir-
39 -- let's see -- NDEP, Nevada -- Environmental Protection, to est-
40 -- to determine what that reserve requirement should be.

1 We worked with them during the fiscal year '17. And so it
2 should be at 1.9 million. And we got that corrected in this
3 year's financial statements.

4 In order to release those funds out of restriction, you
5 simply have to have projects that qualify, capital projects that
6 qualify. And you have to notify the state that that -- that you
7 want to release those things from the restricted amounts.

8 So I think you can even go back into previous fiscal years
9 and look at projects that have been done and release those things
10 from restriction.

11 So I'd encourage the commission and -- and Keith and the
12 Finance office to look at that.

13 It's always better if you can release them from restriction
14 because then they're available for use. So...

15 But currently it's at 1.9 million. And so, as you can see
16 of the graph here, it just -- it traded places a little bit with
17 the unrestricted amount. The unrestricted amount was 1.3 at the
18 end of the year and still is -- is a positive net position
19 there. There's still adequate resources for the fund to
20 operate.

21 So any questions on that?

22 Okay. Let me know if I'm talking too much accountingese.
23 I'm -- I'm sure I am. But if you need something translated or
24 restated and get it so it's understandable for everybody.

25 Battle Mountain Sewer net -- net position trend. So the
26 highlights here, there was significant investments for the capital
27 assets in this fund. So you can see it went from 10.2 million to
28 11.7 million. These were some improvements that I'll -- I'll
29 cover in just a minute.

30 There's a lift station project and some other things that
31 were done in the sewer fund to improve the investment there. And
32 then you also have your restricted and unrestricted amounts that
33 both increased fiscal year '16 to fiscal year '17.

34 This has -- my conclusion on this fund is it's financially
35 strong. And trends are looking good in this fund.

36 So any questions on that one?

37 All right. And then cash balances. So I like to put this up
38 just to -- to give us an idea of where the cash balances are
39 going.

40 In the governmental activities, there was a little bit of

1 reduction from fiscal year '16 to '17, the \$9 million decrease.
2 And mostly re- -- related to capital improvements that were done
3 for -- for the county. And then in the business-type activities,
4 there was a \$1.5 million increase from 11.9 million to
5 13.5 million.

6 So stable and -- and good. You're in a good position as a
7 county. So any questions there?

8 All right. So some of just -- just the highlights on the
9 capital asset activity. So I mentioned the lift station rehab,
10 1.6 million was done. These are projects that were done during
11 fiscal year '17. So Battle Mountain Airport pavement project,
12 there were several pavement -- paving projects going on totaling
13 about 4.6 million. And then the recreation center was
14 completed -- 10.9 million at year end was invested there.

15 COMMISSIONER CLARK: The -- the airport -- the Battle
16 Mountain Airport, is that 811,000?

17 CHAD ATKINSON: Uh-huh.

18 COMMISSIONER CLARK: Okay.

19 CHAD ATKINSON: 811,000.

20 COMMISSIONER CLARK: Okay.

21 CHAD ATKINSON: And most of that was through federal
22 funding, which I'll --

23 COMMISSIONER CLARK: Does this --

24 CHAD ATKINSON: -- I'll mention in just a minute.

25 COMMISSIONER CLARK: There's a space in between the two
26 ones there. Just wanted to check that.

27 CHAD ATKINSON: Okay. So audit reports. Now I'm going to
28 cover that.

29 With your audit reports, page one is the independent
30 auditor's report. And we had -- we -- we issued an unmodified
31 opinion or (indiscernible) opinion on the financial statements.

32 On page 121, there's a report on internal controls over
33 financial reporting and on compliance items. I wanted to
34 mention -- because we sometimes overlook this -- there was one
35 significant deficiency from the previous year that was cleared and
36 resolved. So we want to compliment the county for addressing
37 findings from the past.

38 And in fiscal year '17, there was one new material weakness
39 and four reissued significant deficiencies from fiscal year 2016.

40 So just to remind the commission on the gravity of each

1 finding. So material weaknesses is the -- I guess the worst
2 finding you can get. I don't know how to say that better. But
3 it's -- it's the highest level of finding. And then there's
4 significant deficiencies are in the middle. And then we have a
5 few control deficiencies that we don't really talk about in this
6 meeting, but we talked -- talk to management about but --

7 So I'll -- I'll go over the findings in just a minute. But
8 that was the -- the results of that report.

9 There are some things that the county needs to have a
10 corrective action plan for.

11 And then we also do a report on compliance with statutes in
12 the administrative code. That's on page 123.

13 Again, there was one compliance item from fiscal year '16
14 that was resolved. So we compliment the county for that.

15 But on the flip side of that, there were four new compliance
16 issues that came up in our audit that we completed. And I'll
17 cover those in just a second.

18 And then finally --

19 CHAIRMAN MILLS: Before you go on with that stuff, --

20 CHAD ATKINSON: Yeah. Uh-huh.

21 CHAIRMAN MILLS: -- our next agenda item deals with the
22 corrective action and that kind of stuff.

23 Let me just go ahead and read that into the record, and
24 we'll just discuss it all at the same time, if that's --

25 CHAD ATKINSON: Okay.

26 CHAIRMAN MILLS: -- okay.

27 CHAD ATKINSON: That's fine. Great.

28
29 **2) Discussion and possible action to approve/disapprove FY**
30 **2016-2017 Plan of Corrective Action to the Nevada Department**
31 **of Taxation as presented by HintonBurdick, and all other**
32 **matters properly related thereto.**
33

34 CHAIRMAN MILLS: So it's Item Number 2. Discussion and
35 possible action to approve/disapprove fiscal year 2016-2017 Plan
36 of Corrective Action to the Nevada Department of Taxation as
37 presented by Hinton and Burdick, and all other matters properly
38 related thereto.

39 Thank you.

40 CHAD ATKINSON: Okay.

1 So the last thing I wanted to mention is the report on
2 compliance for each major -- major federal program. As mentioned
3 earlier, there was a couple of projects at the airport that
4 required federal funding. So we did what's called a -- a single
5 audit for -- for the county. And that's the review of the federal
6 programs that took place.

7 And I'm happy to report there were no findings in that area.
8 So the report for that is on page 129 for reference.

9 Okay. So then findings. And I'm going to come to these at a
10 high level. The -- the commissioners had a chance to take these
11 and do the -- review the findings in detail. And so I'm just
12 going to cover these at a high level.

13 We -- the county got a little bit behind on bank
14 reconciliations during fiscal year '17. And as a result of
15 that, there's a finding issued relating to bank reconciliations
16 and the timely preparation of those.

17 That's -- that's one of the reasons that the audit was
18 delayed a little bit. So we're asking the county to prepare bank
19 reconciliations on a time- -- on a timely basis and have those
20 available, not only for the audit but for -- for the county
21 commission to look at and -- and be aware of.

22 Along with that, there was another finding issued for bank
23 reconciliation review. Because the bank reconciliations weren't
24 prepared timely, that didn't allow for a proper review by the
25 fiscal officer of the -- of the county. And so there's a finding
26 related to -- to that.

27 Also -- this is a previous-year finding, segregation of
28 duties in small departments. Within the county, there are a
29 couple of -- of situations where in -- in small departments where
30 there's limited staff, there are situations where people are in
31 charge of receiving money and then also doing recordkeeping for
32 customer accounts.

33 And so when you have both of those duties simultaneously,
34 it can create potentials for -- potential for fraud or error to
35 occur.

36 So we felt like we should continue to re- -- reissue that
37 -- or we felt like we should reissue that finding of -- to have
38 the -- the new fiscal officer look into those departments and
39 see if we can do anything to put controls in place that will
40 prevent that from occurring. So that's 2016-003.

1 And then 2016-004, segregation of duties in the Treasurer's
2 Office. There's still -- as I mentioned previously, if you have
3 one person vested with too many duties and -- and recording the
4 finances -- that's authorization, recordkeeping, and -- and
5 holding and custody of the assets, those three things -- if one
6 person has too many of those responsibilities, it can create
7 potentials for -- for fraud, theft, or error to occur.

8 So primarily the tr- -- I believe the treasurer's position
9 is -- has been in a position where that person can do all of
10 those duties simultaneously.

11 So there needs to be a better segregation of duties in the
12 Treasurer's Office.

13 So talking kind of fast, but do you have any questions on
14 any of those?

15 Okay.

16 Final one. Credit card internal controls. During part of
17 the fiscal year for '17, there were some purchasing limits with
18 the credit cards that were not implemented yet. In the second
19 half of fiscal year '17, those purchasing policies were -- were
20 implemented for credit cards. So we feel like this finding is --
21 was half -- half done, you know, half done for the fiscal year and
22 not -- half not done. So we reissued this finding.

23 Also, there was an -- an issue in fiscal year '17 with the
24 credit card transactions not being recorded in the accounting
25 system timely.

26 So that was probably more of the -- the issues with the
27 credit cards. Making sure that we get those recorded in the
28 system so that departments know where their budgets are. And they
29 can stay within those budgets.

30 So any questions on any of those?

31 COMMISSIONER CLARK: Yeah. I --

32 CHAD ATKINSON: We'll move on.

33 COMMISSIONER CLARK: -- I do. I have a question on --

34 CHAD ATKINSON: Okay.

35 COMMISSIONER CLARK: -- the last two.

36 CHAIRMAN MILLS: Okay.

37 COMMISSIONER CLARK: It would appear that there were
38 problems in the protocol before this audit if the procedures
39 were just being followed as they were in place.

40 For example, the treasurer came in. And he just followed

1 what was in place at the time that -- that he came in.

2 So with the credit cards, the same thing, we're just
3 following what had been done in the past. And you're locating --
4 you're finding new issues that we need to address.

5 CHAD ATKINSON: Yeah. In some cases we're -- we're
6 identifying new things. In some cases in the past, some things
7 need to be revised --

8 COMMISSIONER CLARK: Okay.

9 CHAD ATKINSON: -- for -- for control purposes. So...

10 And I think -- we've talked a lot about these; Keith and I
11 and -- and Cindy have talked about these. So I think they have
12 a -- a pretty good corrective action plan for fiscal year '18
13 that they're -- they're planning for. So...

14 COMMISSIONER CLARK: Okay.

15 CHAD ATKINSON: Okay. Let me hit you with a couple of more
16 findings on compliance.

17 And first one is forest reserves. There was an issue as we
18 reviewed the forest reserved monies that come in. There's an
19 allocation that has to be followed for -- according to the NRS.
20 And we found that, in some cases, the forest reserves had the
21 wrong allocation applied.

22 So I think this one has already been resolved. But it was
23 -- in- -- instead of being a 50/50 split with the school
24 district, it needed to be a 25/75 or vice versa. I can't
25 remember which.

26 COMMISSIONER WAITS: Vice versa. It needs to be 50/50.

27 CHAD ATKINSON: Yeah. It needs to be 50/50. Okay.

28 COMMISSIONER WAITS: We took 75.

29 CHAD ATKINSON: Yeah. So I think this has been reallocated
30 and adjusted already. But we -- we did find that during our
31 audit.

32 County auditor duti- -- duties. This is -- this is primarily
33 related to the bank reconciliation issue.

34 So the NRS requires the county auditor or fiscal officer to
35 review transactions from the Treasurer's Office monthly and to
36 oversee those. It's kind of a -- a double check with the tre-
37 -- Treasurer's Office.

38 And so because things were behind with the bank
39 reconciliations and the transactions, the fiscal officer wasn't
40 able to do that.

1 So we anticipate that improving in fiscal year '18 as the
2 corrective action plan is implemented.

3 Public -- the public official bond. The new treasurer was
4 put in place in fiscal year in the -- during the fiscal year. And
5 he's su- -- the treasurer is supposed to have a -- a surety bond.

6 And it was all approved by the commission. And I think
7 just the protocol of it didn't get finally purchased and put in
8 place.

9 So I think that's been -- is that already -- already done?

10 Okay. Keith's nodding his head. He's already done that one.
11 So...

12 DISTRICT ATTORNEY HERRERA: Did he take care of it?

13 CHAD ATKINSON: Purchasing requirements.

14 DISTRICT ATTORNEY HERRERA: Are you for sure?

15 CHAD ATKINSON: 2015 -- or 2017-005. There is a protocol
16 for contracts and bidding processes for certain limits within
17 the county.

18 When we came in to our -- to perform our audit, we had some
19 difficulty obtaining information on some of the contracting that
20 was going on and the bidding processes that -- that went through
21 that.

22 So on this finding, we're -- we're just simply recommending
23 that the county maybe create a centralized way to keep track of
24 these contracts that are going on -- like a log, a log of the --
25 of the bids that are -- that are out and then keeping all the
26 documentation in one spot. We just had some problems finding that
27 information as we went.

28 COMMISSIONER WAITS: We changed departments on that one.
29 That's what happened.

30 KEITH WESTENGARD: This was -- this has been corrected
31 already.

32 CHAD ATKINSON: Okay. Great.

33 KEITH WESTENGARD: And it's --

34 CHAD ATKINSON: Sounds good.

35 KEITH WESTENGARD: -- taken care of.

36 CHAD ATKINSON: And then the final one, this one is not --
37 in my opinion, it's not a -- a huge deal. But there was one
38 fund that was over -- over budget for budgetary compliance. And
39 it was a very nominal amount. Let me tell you which fund it
40 was.

1 Juvenile Administrative Assessment Fund exceeded the budget
2 appropriations by a whopping \$167.

3 COMMISSIONER WAITS: 167.

4 CHAD ATKINSON: And I normally -- if it was -- my opinion,
5 I would not report that. But I've had the Department of
6 Taxation remind me that I can't consider materiality in those
7 things. So we're issuing that one as well.

8 COMMISSIONER CLARK: Well, it's -- it's good that you bring
9 these things forward so that we can address them in budget if
10 necessary.

11 I have a question: Does any county just sail right through
12 an audit?

13 CHAD ATKINSON: Does any county ever sail right through an
14 audit? There are usually a couple of things for each county --

15 COMMISSIONER CLARK: Okay.

16 CHAD ATKINSON: -- that -- that are identified in an audit.
17 It's not the philosophy of my firm to try to -- to nitpick or
18 find things that are -- that we just want to show that we've done
19 our job.

20 But I think the things we've reported to you here are fair
21 representation of things that need to be improved. So...

22 COMMISSIONER BAKKER: Okay.

23 CHAD ATKINSON: All right. So any other items? If you
24 want to contact me, feel free to. And just appreciate working
25 with the county and look forward to helping whatever capacity I
26 can.

27 COMMISSIONER CLARK: If this --

28 COMMISSIONER BAKKER: Thank you, Chad.

29 COMMISSIONER CLARK: -- were your business, would you feel
30 good about where we are right now with the things that we've
31 taken on and paid for and the things we're looking at in the
32 future with the money that we have?

33 CHAD ATKINSON: I think your financial position is -- is
34 good for the county.

35 COMMISSIONER CLARK: Okay.

36 CHAD ATKINSON: Yes.

37 I don't have any hesitations on your financial position. I
38 think there's some procedural things that need to be addressed.
39 But...

40 COMMISSIONER CLARK: Okay.

1 CHAIRMAN MILLS: So I --
2 COMMISSIONER WAITS: Chad, I just -- I just wanted to
3 comment. I thought it was extremely thorough. We can -- we can
4 find anything for any fund in any department or any area that we
5 want to look for.
6 And I was very pleased with -- with your -- with your notes
7 and with your -- your information.
8 There is just one that I just wanted to -- to clarify and
9 -- and make sure that we're doing this right, and that's on page
10 81. And you have a notation on that.
11 I think -- yeah.
12 I thought it was 81.
13 Anyway, you have a notation. Maybe not. Maybe it's the --
14 maybe it's my other page. Because I had two page numbers when I
15 was -- I wasn't using your book. I was using ours. And I think I
16 used 81 on our page number, not yours, I believe.
17 If I look here...
18 Yes. I'm sorry. Because it was "summary of significant
19 accounting policies."
20 COMMISSIONER CLARK: What page?
21 COMMISSIONER WAITS: It's our page 81, his page 25.
22 CHAD ATKINSON: Twenty-five?
23 COMMISSIONER WAITS: Uh-huh. Sorry.
24 I -- I wrote notes. And I wasn't sure what -- what page I
25 was following here.
26 Yeah. You're talking about actually our fiduciary
27 responsibilities here, that we handle money for all these other
28 departments.
29 CHAD ATKINSON: Uh-huh.
30 COMMISSIONER WAITS: And you have the Incorporated Town of
31 Kingston?
32 CHAD ATKINSON: Yeah. Are you looking at the --
33 COMMISSIONER WAITS: I'm looking at blended --
34 CHAD ATKINSON: -- third paragraph?
35 COMMISSIONER WAITS: -- component units down to the --
36 CHAD ATKINSON: Okay.
37 COMMISSIONER WAITS: -- second paragraph. Jurisdictions
38 that are not considered to be part of the county include...
39 This is one we have the fiduciary responsibilities for --
40 CHAD ATKINSON: Uh-huh.

1 COMMISSIONER WAITS: We're not incorporated. We don't have
2 any incorporated towns in Lander County.

3 CHAD ATKINSON: Okay.

4 So the -- it looks like the --

5 COMMISSIONER WAITS: It's unincorporated.

6 CHAD ATKINSON: Needs to be unincorporated, --

7 COMMISSIONER WAITS: Yes.

8 CHAD ATKINSON: -- doesn't it? Okay.

9 COMMISSIONER WAITS: Yes.

10 CHAD ATKINSON: We can --

11 COMMISSIONER WAITS: Yes.

12 CHAD ATKINSON: -- get that corrected for next year. Yeah.

13 COMMISSIONER WAITS: Otherwise, I -- I -- I thought it was
14 a beautiful job.

15 And, of course, it's always fun to hear some of your
16 comments about the net proceeds that were a little bit more than
17 what we expected.

18 And even on our -- our liabilities and what you give us for
19 that. Because we do have some heavy liabilities, mostly
20 retirement and our, you know, OPEB and all that other stuff.

21 So I -- I thought it was very well done. And I -- I really
22 could follow it. Thank you very much.

23 COMMISSIONER BAKKER: Yeah. Thank you, Chad.

24 CHAIRMAN MILLS: So I had a cou- -- couple questions.

25 CHAD ATKINSON: Okay.

26 CHAIRMAN MILLS: Are -- just as the overall picture, the --
27 the -- the net balance for the county is increased this last
28 year over the previous year?

29 CHAD ATKINSON: Yes, it has.

30 CHAIRMAN MILLS: Did I get that correct when I read all
31 this?

32 COMMISSIONER WAITS: Uh-huh.

33 CHAD ATKINSON: Uh-huh.

34 CHAIRMAN MILLS: I think it was like --

35 CHAD ATKINSON: Yes.

36 CHAIRMAN MILLS: -- \$17 million increase.

37 CHAD ATKINSON: Yeah, it's -- it's unfortunate, --

38 CHAIRMAN MILLS: Overall.

39 CHAD ATKINSON: -- but we -- I don't know why accountants
40 make this so complicated. But we have a couple of different

1 reporting --
2 CHAIRMAN MILLS: Yeah, there's --
3 CHAD ATKINSON: -- models.
4 CHAIRMAN MILLS: -- different ways to look at it.
5 CHAD ATKINSON: There's different ways to look at it.
6 Okay.
7 CHAIRMAN MILLS: So --
8 CHAD ATKINSON: So --
9 CHAIRMAN MILLS: Okay. But overall, if you want to look at
10 the overall for the county, the change in net position is on
11 page 15.
12 COMMISSIONER BAKKER: Was it two-point-some million?
13 CHAD ATKINSON: No. Well, that's just probably in the
14 General Fund you're talking about. But overall countywide, the
15 increase was 17.4 million.
16 CHAIRMAN MILLS: Okay.
17 CHAD ATKINSON: Yes.
18 COMMISSIONER BAKKER: So we're going up.
19 CHAIRMAN MILLS: And then it --
20 CHAD ATKINSON: Yes.
21 CHAIRMAN MILLS: And I don't know if this is a question for
22 you or not, but our -- I was -- I was interested in -- in -- in
23 reading on some of our revenue from interest earned on our
24 monies.
25 CHAD ATKINSON: Uh-huh.
26 CHAIRMAN MILLS: And it seemed like we were doing pretty
27 good there. I think it was 1.3 million in interest --
28 CHAD ATKINSON: Yeah.
29 CHAIRMAN MILLS: -- earned.
30 CHAD ATKINSON: Yes.
31 CHAIRMAN MILLS: Is -- can you -- can you give us an idea
32 of -- because, I mean, we have the number. It seems like a good
33 number. Is that kind of a good number based on our investments
34 and -- is -- is that a -- are we getting a reasonable return?
35 It seems like we are. But I don't have an -- a frame of
36 reference to know.
37 CHAD ATKINSON: Yeah, we -- when we do our audit, we
38 actually look at the reasonableness of the rate of return --
39 CHAIRMAN MILLS: Okay.
40 CHAD ATKINSON: -- in the county. And as far as the

1 interest earned on -- on your investments, that -- that's
2 looking normal. It looks --

3 CHAIRMAN MILLS: Okay.

4 CHAD ATKINSON: -- reasonable for the market.

5 At the end of the year, we have to do an adjustment for the
6 fair market value of your investments. And I did notice when I
7 was doing the review, that there -- I'm not an investment adviser,
8 but you may want to look at your allocation of your investments.
9 Because I noticed when we did the fair market adjustment, there
10 was actually a large unrealized loss that we had to record.

11 CHAIRMAN MILLS: Okay.

12 CHAD ATKINSON: And so I recorded -- we record that. It's
13 just at a point in time because it's a fair market value
14 adjustment.

15 CHAIRMAN MILLS: Right.

16 CHAD ATKINSON: And it actually gets reversed off in the
17 next year. And then you -- you -- you go forward and see how
18 you do.

19 But you may want to look at that with your investment
20 adviser --

21 CHAIRMAN MILLS: Okay.

22 CHAD ATKINSON: -- and see what your allocation is there.

23 CHAIRMAN MILLS: Thank you.

24 COMMISSIONER BAKKER: Okay.

25 CHAD ATKINSON: Yeah.

26 Any other items?

27 CHAIRMAN MILLS: Did we get all of our corrective actions
28 covered?

29 CHAD ATKINSON: I think --

30 CHAIRMAN MILLS: I think we got -- I think we -- we
31 discussed them. I think we're --

32 COMMISSIONER BAKKER: Good.

33 CHAIRMAN MILLS: I think we're pretty good on all those?

34 CHAD ATKINSON: Okay.

35 COMMISSIONER BAKKER: Yep.

36 CHAIRMAN MILLS: Are we --

37 COMMISSIONER BAKKER: Now I --

38 CHAIRMAN MILLS: Do you have any other input on those?

39 CHAD ATKINSON: I -- I haven't had a chance to read it all.
40 But I've --

1 CHAIRMAN MILLS: Okay.

2 CHAD ATKINSON: -- discussed them a little bit with Cindy.
3 And I -- I feel good about what we're doing there.

4 CYNTHIA BENSON: Good morning.

5 CHAIRMAN MILLS: Cindy.

6 COMMISSIONER BAKKER: Good --

7 COMMISSIONER ALLAN: Good --

8 COMMISSIONER BAKKER: -- morning, --

9 COMMISSIONER ALLAN: -- morning, --

10 COMMISSIONER BAKKER: -- Cindy.

11 COMMISSIONER ALLAN: -- Cindy.

12 CYNTHIA BENSON: Cindy Benson, for the record.

13 So I've done up the corrective actions for two -- 2017-001
14 for bank reconciliations. Our corrective action is that the
15 Lander County treasurer and his office personnel will seek
16 training in reconciling bank statements. The treasurer will do an
17 update at all regular Lander County commission meetings to address
18 whether any training has been obtained by him and his staff.

19 For 2016-001 for the bank reconciliations review, our
20 corrective action is the Lander County treasurer will reconcile
21 the monthly statements. The treasurer will give the -- the Lander
22 County fiscal officer the bank reconciliations by the 15th of
23 the -- the following month, which will be documented with a time
24 stamp. Then the fiscal officer will -- will then re- -- review
25 the reconciling and initial the reconciliations to document the
26 review. And in a re- -- in a regular Lander County commission
27 meeting, the documents will be presented as an update by the
28 fiscal officer.

29 COMMISSIONER BAKKER: Okay.

30 CYNTHIA BENSON: For 2016-003, segregation of duties in
31 small departments. For our corrective actions, smaller
32 departments will create and implement an adequate segregation of
33 duties policy for their office, which may or may not include
34 making their payments directly to the Treasurer's Office. The
35 Lander County fiscal officer is currently researching for a
36 software program designed to -- for cash receiving in small
37 departments. To ensure timely deposits of funds, the department
38 head will oversee that the deposits are made at least once a
39 week.

40 Okay. 2016-004. Segregation of duties in the Treasurer's

1 Office. The corrective action, the Lander County treasurer will
2 implement an adequate segregation of duties over key functions in
3 the Treasurer's Office, which includes the customer payment
4 adjustments. The Lander County fiscal officer will review the
5 customer payment adjustments monthly. The fiscal officer will
6 initial the payments adjusted as evidence of their review and keep
7 a record of the reviews. The treasurer will do an update on the
8 payment adjustments once a month at a regular Lander County
9 commission meeting.

10 And for the last one, 2016-005, for the credit card internal
11 controls, the corrective action is the county will establish an
12 internal controls policy over credit card purchases so the
13 appropriate preauthorization for purchases exceeding the county's
14 purchase limitations are obtained and documented. Also, the
15 executive director will establish internal con- -- controls to
16 more effectively authorize and monitor card limits. The Lander
17 County treasurer will review each statement along with the
18 documentation supporting each transaction. The treasurer will
19 submit payment requests to Finance for each credit card. The
20 fiscal officer will do a review of the statements and payments.
21 The fiscal officer will initial the statements as evidence of the
22 review and keep a record of the reviews.

23 CHAIRMAN MILLS: Okay.

24 COMMISSIONER WAITS: Thank you, --

25 COMMISSIONER BAKKER: Thank you, --

26 COMMISSIONER WAITS: -- Cindy.

27 COMMISSIONER BAKKER: -- Cindy.

28 COMMISSIONER ALLAN: Thanks, --

29 CHAIRMAN MILLS: Thank you.

30 COMMISSIONER ALLAN: -- Cindy.

31 CYNTHIA BENSON: You're welcome.

32 CHAIRMAN MILLS: Appreciate it.

33 COMMISSIONER BAKKER: And I know I said this once before
34 and I'll say it again, thank you for all the ladies in the
35 Finance office for your hard work -- and the Treasurer's Office.
36 So --

37 COMMISSIONER WAITS: Thank you.

38 CHAIRMAN MILLS: Yeah. Thanks.

39 COMMISSIONER WAITS: With that, I think we should do this
40 in two motions. So I'll make the first motion that we approve

1 the fiscal year 2016-2017 Lander County audit as presented by
2 Hinton and Burdick.

3 COMMISSIONER BAKKER: Second.

4 CHAIRMAN MILLS: Okay. Patsy made a motion. Sean
5 seconded.

6 Do we have any public comment?

7 (No comment.)

8 CHAIRMAN MILLS: All in favor?

9 COMMISSIONER BAKKER: Aye.

10 COMMISSIONER ALLAN: Aye.

11 CHAIRMAN MILLS: Aye.

12 COMMISSIONER WAITS: Aye.

13 COMMISSIONER CLARK: Aye.

14 COMMISSIONER WAITS: Then the second one is for our plan of
15 correction action. So I make a motion that we approve the plan
16 of corrective action for the fiscal year '16/'17 to be forwarded
17 on to the Nevada Department of Taxation as soon as possible.

18 COMMISSIONER BAKKER: Second.

19 CHAIRMAN MILLS: Patsy made a motion. Sean seconded.

20 Do we have any public comment?

21 CHAD ATKINSON: Can I make some --

22 CHAIRMAN MILLS: Chad.

23 CHAD ATKINSON: -- comment?

24 So the compliance -- I noticed that the compliance findings
25 weren't addressed in the corrective action. And I think that
26 the Department of Taxation will be looking for a -- a corrective
27 action plan for those items too.

28 So --

29 CYNTHIA BENSON: The --

30 CHAD ATKINSON: The compliance findings.

31 CYNTHIA BENSON: Okay.

32 CHAD ATKINSON: On the compliance findings. So --

33 I don't know if -- I just --

34 CHAIRMAN MILLS: Okay. Let's --

35 CHAD ATKINSON: -- noticed that.

36 CHAIRMAN MILLS: -- get the -- let's get those written up.
37 And we'll bring that next commission meeting and -- and
38 include --

39 COUNTY CLERK SULLIVAN: Sean?

40 CHAIRMAN MILLS: -- those.

1 Thank you.
2 COMMISSIONER BAKKER: And authorize the chair to sign.
3 COMMISSIONER WAITS: On the corrective action?
4 COMMISSIONER BAKKER: Yeah, is there --
5 COMMISSIONER WAITS: It's signed by Keith Westen- --
6 Westengard.
7 COUNTY CLERK SULLIVAN: It's signed by the -- the letter,
8 but then there's also --
9 KEITH WESTENGARD: There's also a --
10 COMMISSIONER WAITS: Another letter to the Department of
11 Taxation?
12 KEITH WESTENGARD: Right.
13 COMMISSIONER WAITS: And authorize our executive director
14 or chairman to sign.
15 COMMISSIONER BAKKER: Second.
16 CHAIRMAN MILLS: Okay. Any other public comment?
17 (No comment.)
18 CHAIRMAN MILLS: All in favor?
19 COMMISSIONER BAKKER: Aye.
20 CHAIRMAN MILLS: Aye.
21 COMMISSIONER ALLAN: Aye.
22 COMMISSIONER WAITS: Aye.
23 COMMISSIONER CLARK: Aye.
24 COMMISSIONER WAITS: So, Chad, are we -- are we on -- on a
25 time frame for the ones we identified? The -- the --
26 CHAIRMAN MILLS: Black or blue? Does it matter?
27 COMMISSIONER WAITS: -- the different ones that we need --
28 COMMISSIONER BAKKER: Blue.
29 COMMISSIONER WAITS: -- to get the --
30 CHAD ATKINSON: For --
31 COMMISSIONER WAITS: -- other --
32 CHAIRMAN MILLS: -- for --
33 COMMISSIONER WAITS: -- letter to?
34 CHAD ATKINSON: -- the corrective action plan?
35 COUNTY CLERK SULLIVAN: Keith.
36 CHAD ATKINSON: I think you have till --
37 KEITH WESTENGARD: You have one?
38 CHAD ATKINSON: When was our extension, Cindy?
39 KEITH WESTENGARD: I've -- I've got to get it mailed out
40 today or I'll hand deliver it tomorrow.

1 CHAD ATKINSON: Okay.
2 KEITH WESTENGARD: I'll make a note.
3 COMMISSIONER WAITS: Yeah.
4 CHAD ATKINSON: Yeah.
5 COMMISSIONER WAITS: I'm --
6 CHAD ATKINSON: I think a --
7 COMMISSIONER WAITS: -- wondering --
8 CHAD ATKINSON: -- a lot of --
9 COMMISSIONER WAITS: -- if --
10 CHAD ATKINSON: -- them have been (indiscernible) already.
11 So I think typing up the corrective action should be pretty
12 quick. But --
13 COMMISSIONER WAITS: I'm wondering if they -- if we have
14 time to come before us again, is what I'm saying. We might need
15 to address that right now.
16 KEITH WESTENGARD: Well, if -- I was going to say, maybe if
17 you could amend your motion to include what Chad has talked
18 about.
19 COMMISSIONER WAITS: Well, that's --
20 KEITH WESTENGARD: (Indiscernible.)
21 COMMISSIONER WAITS: -- okay. We've already voted on it.
22 I'll just do another one.
23 KEITH WESTENGARD: Okay.
24 COMMISSIONER WAITS: Okay.
25 KEITH WESTENGARD: And then we'll --
26 COMMISSIONER WAITS: Let me pull --
27 KEITH WESTENGARD: -- get it handed --
28 COMMISSIONER WAITS: -- it out.
29 KEITH WESTENGARD: -- so that -- we need to get it to them.
30 CHAD ATKINSON: Yeah.
31 KEITH WESTENGARD: Our extension is just about up.
32 CHAD ATKINSON: Okay.
33 COMMISSIONER WAITS: Okay. I make a motion that we forward
34 a letter to the Department of Taxation with our information on
35 how we are working to resolve the compliance funding -- the
36 compliance finding -- findings for forest reserves, county
37 auditor duties, public official bond, purchasing requirements,
38 and budgetary compliance. And authorize chair or executive
39 director to find -- forward immediately to the Department of
40 Taxation.

1 COMMISSIONER BAKKER: Second.
2 COMMISSIONER ALLAN: For fiscal year 2017.
3 COMMISSIONER WAITS: For the audit --
4 COMMISSIONER ALLAN: '16/'17.
5 COMMISSIONER WAITS: -- 2016-2017. Thank you, Judie.
6 COMMISSIONER BAKKER: Second.
7 CHAIRMAN MILLS: Okay. Patsy made a motion. Sean
8 seconded.
9 Do we have any public comment?
10 (No comment.)
11 CHAIRMAN MILLS: All in favor?
12 COMMISSIONER BAKKER: Aye.
13 COMMISSIONER CLARK: Aye.
14 CHAIRMAN MILLS: Aye.
15 COMMISSIONER ALLAN: Aye.
16 COMMISSIONER WAITS: Aye.
17 COMMISSIONER CLARK: Aye.
18 COMMISSIONER BAKKER: Okay. Good job.
19 CHAIRMAN MILLS: All right. Thank you.
20 COMMISSIONER BAKKER: Let's jump to 19.
21 CHAIRMAN MILLS: A lot of work involved in that.
22 We're going to jump -- take an item out of sequence here
23 and move to Number -- Item Number 19.
24
25 **19) Discussion for possible action regarding property damage to a**
26 **personal vehicle in the Lander County Sheriff's Office**
27 **parking lot, and all other matters properly related thereto.**
28
29 CHAIRMAN MILLS: Discussion for possible action regarding
30 property damage to a personal vehicle in the Lander County
31 Sheriff's Office parking lot, and all other matters properly
32 related thereto.
33 STEVEN SMITH: Steven Smith, for the record.
34 Mr. Roberts was not able to attend today as he's in the
35 academy.
36 He's asked that I come before you guys and answer any
37 questions you might have or see if we can go forward with this.
38 COMMISSIONER BAKKER: Okay.
39 COMMISSIONER WAITS: Thank you. So what did we find out?
40 KEITH WESTENGARD: I did speak with a gentleman in Elko

1 regarding this. He said that he could come and do it. It would
2 cost to have the car actually -- he would go and -- and value
3 the car. His concern was his valuing would not hold up if it
4 was ever discussed in court.

5 He recommended several places in Reno that would actually
6 come out, value the car, and then give us an actual estimate of
7 the -- of the costs.

8 That would entail somebody coming from Reno to do the whole
9 evaluation of the vehicle and then bring it back to you once --

10 COMMISSIONER WAITS: Okay. Let -- let me back up, then.

11 KEITH WESTENGARD: Okay.

12 COMMISSIONER WAITS: You contacted our insurance company
13 and told them the situation --

14 KEITH WESTENGARD: Yeah.

15 COMMISSIONER WAITS: -- we were in.

16 KEITH WESTENGARD: Yeah. They're --

17 COMMISSIONER WAITS: Right. And they --

18 KEITH WESTENGARD: -- they're where --

19 COMMISSIONER WAITS: -- said, --

20 KEITH WESTENGARD: -- they're at.

21 COMMISSIONER WAITS: -- that's it.

22 KEITH WESTENGARD: Yep.

23 COMMISSIONER WAITS: That's --

24 KEITH WESTENGARD: That's it.

25 COMMISSIONER WAITS: -- what we pay for. And that's --

26 KEITH WESTENGARD: That's --

27 COMMISSIONER WAITS: -- their decision.

28 KEITH WESTENGARD: They're done.

29 COMMISSIONER WAITS: Okay.

30 KEITH WESTENGARD: Yes. So have -- got a --

31 COMMISSIONER WAITS: And --

32 KEITH WESTENGARD: -- recommendation to call a -- a company
33 in Elko.

34 COMMISSIONER WAITS: Okay. Is that, like, to -- to
35 mitigate it? Or -- or to --

36 KEITH WESTENGARD: That --

37 COMMISSIONER WAITS: -- arbitrate --

38 KEITH WESTENGARD: There's --

39 COMMISSIONER WAITS: -- it? Or --

40 KEITH WESTENGARD: -- there's no mitigations.

1 This was to actually value the car and give it -- give it --
2 COMMISSIONER WAITS: Okay. But I don't think we need to
3 value the car per se because we didn't damage the whole car. So
4 I don't --
5 KEITH WESTENGARD: But -- but that --
6 COMMISSIONER WAITS: I mean, it wasn't a brand-new paint
7 job and we just nicked --
8 KEITH WESTENGARD: Right.
9 COMMISSIONER WAITS: -- it.
10 KEITH WESTENGARD: Right.
11 COMMISSIONER WAITS: That -- so that isn't --
12 KEITH WESTENGARD: That's correct.
13 COMMISSIONER WAITS: -- what we're really discussing.
14 COMMISSIONER BAKKER: I'm going to take a stab at this,
15 though.
16 KEITH WESTENGARD: The -- the --
17 COMMISSIONER BAKKER: I'm going to make a motion that we
18 uphold what our insurance agency has advised us and have Spencer
19 Roberts negotiate with the insurance agency on what he wants to
20 do further on from here.
21 COMMISSIONER ALLAN: I'll --
22 COMMISSIONER CLARK: Second.
23 COMMISSIONER ALLAN: -- second.
24 CHAIRMAN MILLS: Sean made a motion. Judie seconded.
25 Do we have any public comment?
26 COMMISSIONER WAITS: Well, just for the record, I -- I
27 think this is the only way we can go. Because this commission
28 cannot determine liability.
29 And -- and that isn't what we do. That's what we hire
30 insurance companies for. So...
31 COMMISSIONER ALLAN: And I'd like to comment on that too.
32 I kind of wish Spencer were here. Because, you know, we all
33 sympathize with him. And we'd all like to help him. But the
34 bottom line is, you know, this is -- this is not something that
35 really probably should have come before the commissioners in the
36 first place.
37 I mean, he can certainly ask. But we can't set a
38 precedence that, you know, if there's damage, if there's on
39 county property -- and this is what our insurance company's
40 going to cover.

1 KEITH WESTENGARD: I --
2 COMMISSIONER ALLAN: And we can't go above and beyond that.
3 KEITH WESTENGARD: I'd like to put it on the record, I
4 guess, how this did come about. It -- Mr. Roberts approached me
5 on it. We discussed the situation. I did contact the insurance
6 company at that time.
7 Their stance is their stance. That's their insurance
8 findings.
9 I was not going to authorize the additional money to bring
10 it up to the -- the 70- -- or 8000 or 9,000, whatever the other
11 two quotes were.
12 And I suggested if -- if he wanted to, he could bring it to
13 the commission. And it was out of my hands. And I was not
14 going to advise or --
15 COMMISSIONER ALLAN: I appreci- --
16 KEITH WESTENGARD: -- authorize any additional payment.
17 COMMISSIONER ALLAN: I appreciate that, Keith. And -- and
18 that's -- that's absolutely correct.
19 I mean, it's -- anybody has a question before the
20 commission, they're certainly, you know, entitled to bring it
21 before us. And --
22 STEVEN SMITH: And -- and Mr. Roberts appreciates you guys
23 at least hearing him.
24 COMMISSIONER ALLAN: Yeah.
25 COMMISSIONER BAKKER: And, Steven, tell him, yeah, we do
26 feel for him. But we do have a position that we have to uphold.
27 STEVEN SMITH: He --
28 CHAIRMAN MILLS: I --
29 STEVEN SMITH: -- he understands that.
30 CHAIRMAN MILLS: Yeah.
31 COMMISSIONER WAITS: Well, the other thing --
32 COMMISSIONER ALLAN: Thank you, --
33 COMMISSIONER WAITS: -- was --
34 COMMISSIONER ALLAN: -- Steve.
35 COMMISSIONER WAITS: -- I -- I think he did hear how -- how
36 we all felt. And it was unusual because it was two county
37 employees. So that --
38 STEVEN SMITH: Right.
39 COMMISSIONER WAITS: -- that was a little bit different.
40 And -- and we're sorry we -- we can't help in another way. But

1 those are all emotional decisions. And we can't -- we can't
2 make those -- or shouldn't make them.

3 CHAIRMAN MILLS: I believe we had some public comment.

4 BRIAN GARNER: Brian Garner, for the record. B&B Garner
5 Inc., Atlas Towing and Recovery.

6 Reference the last commission, there was some -- I read it.
7 I wasn't here, but I did read the -- and watch the video later
8 on. There were some comments as to the estimates that were
9 given by Judie Allan that were totally ridiculous.

10 There were several times -- there were some things that you
11 guys were saying and doing to yourself and to Patsy that you
12 guys were referencing insurance quotes. And this is how the
13 insurance works. And this is how the insurance -- that is not
14 how it works.

15 If you don't know what you're talking about, please don't
16 say it on public record. You're to take an oath to not say
17 things like that. And it's not your doing. And it is my name
18 and my estimate that is now in public record. And if you think
19 it's totally ridiculous, maybe you should do your homework.

20 I'm sure you didn't have anything to back it up because you
21 would have brought that if you did have something to back it up.
22 But nothing was put forth to back it up.

23 So, in that, I think that possibly you ought to go back
24 into -- if you think my name and my towing company or my bid was
25 too high, do you know that there was a three-coat-stage paint?
26 Do you know the particulars of it? Have you seen it? Have you
27 touched it? Felt it? Smelled it? Do you know?

28 I don't think you know. You were just talking out of turn,
29 and I don't appreciate it.

30 And I -- that's my public comment.

31 COMMISSIONER CLARK: Brian.

32 COMMISSIONER ALLAN: Brian.

33 COMMISSIONER CLARK: I wanted to get my pickup truck
34 painted and they wanted \$12,000.

35 BRIAN GARNER: You're correct.

36 COMMISSIONER CLARK: When you -- when those numbers came in
37 front of me, that's shop cost.

38 I understand that.

39 BRIAN GARNER: I'm just thinking out of -- people don't
40 need to be slandering other people in the -- in the county, --

1 COMMISSIONER ALLAN: Brian.
2 BRIAN GARNER: -- especially on public record. Sorry, I'm
3 done.
4 COMMISSIONER ALLAN: No. And I appreciate that. And I
5 will apologize for that.
6 I sincerely didn't intend to slander you in any way.
7 And I -- I would like to, on the record, make my apologies to
8 you.
9 ALICIA PRICE: Alicia Price, for the record.
10 You might want to ditto that.
11 I'm -- agree with Brian. If -- I don't appreciate being
12 called ridiculously overpriced unless you want to go down there,
13 sand a car, see what a gallon of paint costs. Because it's
14 roughly around \$650 for a good gallon of automotive paint.
15 So I -- I don't appreciate my tax dollars -- sitting here,
16 insulting my business that I'm paying your wages.
17 COMMISSIONER ALLAN: And Alicia, I will -- I will ditto
18 that to you as well.
19 CHAIRMAN MILLS: Okay.
20 Do we have any other public comment?
21 So --
22 COMMISSIONER CLARK: Let's take a break for a couple of
23 minutes.
24 COMMISSIONER BAKKER: Well, we got to vote.
25 CHAIRMAN MILLS: Let's --
26 COMMISSIONER BAKKER: Let's vote.
27 CHAIRMAN MILLS: Let's vote on this.
28 All in favor?
29 COMMISSIONER BAKKER: Aye.
30 CHAIRMAN MILLS: Aye.
31 COMMISSIONER ALLAN: Aye.
32 COMMISSIONER WAITS: Aye.
33 COMMISSIONER CLARK: Aye.
34 CHAIRMAN MILLS: Okay.
35 STEVEN SMITH: Okay.
36 CHAIRMAN MILLS: Thank you.
37 COMMISSIONER BAKKER: Thanks, Steven.
38 CHAIRMAN MILLS: Appreciate it.
39 COMMISSIONER BAKKER: Austin?
40 CHAIRMAN MILLS: We're going to take a five-minute break.

1
2 (Break taken between 10:07 a.m. and 10:16 a.m.)
3
4

5 CHAIRMAN MILLS: We are going to take another item out of
6 order. We're going to move to Item Number 14.
7

8 **14) Discussion for possible action regarding the purchase of Law**
9 **Shield, a protective measure for Lander County employees that**
10 **were affected by the unintentional release of personal**
11 **information, and all other matters properly related thereto.**
12

13 CHAIRMAN MILLS: Discussion for possible action regarding
14 the purchase of Law Shield, a protective measure for Lander
15 County employees that were affected by the unintentional release
16 of personal information, and all other matters properly related
17 thereto.

18 KEITH WESTENGARD: So I've -- we've done -- we've done some
19 more research in order to get the -- the people that were
20 affected some legal coverage.

21 It's all -- it's in your books there. They -- the prices
22 do vary. The highest price would be \$298.80 a year to cover
23 each employee, which will give them Legal Shield, which is a
24 legal firm, in the event they do have identity theft -- there is
25 identity theft. And it also provides additional ID Shield,
26 Identification Shield, which would provide them with additional
27 identity protection.

28 So they would get both the legal and identity coverage
29 through this company. They are currently a -- a vendor of
30 Lander County. It's a simple process.

31 If -- if that's the direction the commission wants me to
32 go, I will implement that within the next few days. And the
33 employees will be covered through --

34 COMMISSIONER CLARK: I -- I need to mention something.

35 This -- this fell into my lap. I was talking to Greg
36 Lawrence. Greg's my financial adviser. And he was telling me
37 about some new products that he had in the county.

38 And when he mentioned this particular product, I thought
39 that it might be a remedy that some people would accept. I
40 immediately called Commissioner Bakker. And this is where we're

1 at right now.

2 I get no special deal from Greg. I get no special
3 products, no special anything. And I don't really have any
4 business going on with him right now, not until I'm 70 1/2. So
5 I just wanted to --

6 COMMISSIONER BAKKER: He already works for the county,
7 though, right? Or th- -- this is a program that's --

8 KEITH WESTENGARD: This a --

9 COMMISSIONER BAKKER: -- the county --

10 KEITH WESTENGARD: -- program that --

11 COMMISSIONER BAKKER: -- already has.

12 KEITH WESTENGARD: -- all -- that ha- -- has exist- -- been
13 in the county for several years. This program is -- is -- it's
14 available to employees on -- on a payroll deduction if they'd
15 like it or if they want to do it. This would -- this is
16 something that we can do through the county. It's already in
17 place.

18 COMMISSIONER CLARK: And my thought on this was that we
19 could talk about it and decide whether or not we'll offer it and
20 then see if there are people that would be interested in that.
21 And it would ease the issue. So...

22 COMMISSIONER ALLAN: And --

23 COMMISSIONER WAITS: Well, when I read through it, there
24 was a couple things that talk about the group legal plans and
25 such and individual plans. And they're not offered in Nevada,
26 it said. And then the one that did explain it, explained you
27 could call for any kind of legal advice. I'm going, is that
28 really what we need to pay for? Is that part of it?

29 I mean, this whole thing is -- is so unfortunate. But I
30 think all of us have been hit. We've been hit by Equifax.
31 We've been hit by our insurance carrier, Blue Cross Blue Shield
32 Anthem was hit -- what? -- the year before last. And that put
33 everything out. So we've all had it at one point or another.

34 And -- and I know that -- that we made a mistake here and
35 want to, you know, help correct it, but I'm going, I don't
36 understand why we have to pay the extra for the legal
37 information. I don't.

38 KEITH WESTENGARD: Well, the legal -- the legal part of it
39 protects them legally. If -- if there is a breach in -- in
40 personal information and there is an identity theft, they --

1 they -- this will actually cover them legally through a -- a law
2 firm.

3 And I -- I need to specify. I believe -- I believe I
4 referred to it as law shield. It is Legal Shield. So I wanted
5 to make that clear on the record.

6 COMMISSIONER WAITS: Legal Shield is what they have on it.
7 But it is the group plan that we can't get in Nevada through --
8 through Legal Shield?

9 KEITH WESTENGARD: It's --

10 COMMISSIONER WAITS: Is that it?

11 KEITH WESTENGARD: Right. It's indi- -- it'd be an
12 individual.

13 COMMISSIONER WAITS: Has to be individual?

14 KEITH WESTENGARD: Yes.

15 COMMISSIONER WAITS: And that's --

16 KEITH WESTENGARD: That --

17 COMMISSIONER WAITS: -- the cost?

18 KEITH WESTENGARD: -- is correct.

19 COMMISSIONER WAITS: Three hundred a person.

20 KEITH WESTENGARD: 298.80 a year. And that -- but that is
21 covering both legal and identity shield.

22 CHAIRMAN MILLS: And so 300 per person. How many -- how
23 many people are --

24 KEITH WESTENGARD: Thirteen.

25 CHAIRMAN MILLS: -- affected by this? Thirteen?

26 KEITH WESTENGARD: Thirteen.

27 CHAIRMAN MILLS: And, then, is there a number of years
28 we're proposing to do this?

29 KEITH WESTENGARD: That -- that's to the -- up to you guys.
30 It's up to this commission.

31 COMMISSIONER CLARK: And, again, my intent was to discuss
32 this and offer it. They may -- some people may not want it.

33 COMMISSIONER WAITS: We already have purchased the
34 identity -- the identity theft for them.

35 KEITH WESTENGARD: Yes.

36 COMMISSIONER CLARK: And the last person that came, they
37 were --

38 KEITH WESTENGARD: Yes.

39 COMMISSIONER CLARK: -- concerned about in the future with
40 having an attorney in case it --

1 So...

2 COMMISSIONER ALLAN: So that's a little over 3800 bucks a
3 year.

4 I guess my concern is we've offered them the LifeLock for a
5 year. Or --

6 And -- but who's to say that -- that something couldn't
7 happen? I mean, you certainly want to protect these people in
8 the future. But then how long do we continue with this?

9 I mean, in -- in some respects, you know, almost \$300 per
10 person is -- is minimal for us. But then when you continue
11 looking at long term, how long do you do this?

12 These people can get this information now. And -- and they
13 can hang on to it and -- and decide to use it in four years.

14 Is --

15 COMMISSIONER BAKKER: Wasn't it like a seven-year period?

16 CHAIRMAN MILLS: Isn't there a -- is there a way to know?
17 If there is a breach in their confidentiality or in their
18 identity, is there any way to -- to know that it's caused by --

19 COMMISSIONER WAITS: By us or --

20 CHAIRMAN MILLS: That --

21 COMMISSIONER WAITS: -- by --

22 CHAIRMAN MILLS: -- the --

23 COMMISSIONER WAITS: -- Equifax or --

24 CHAIRMAN MILLS: -- the county having let this
25 information -- or -- or would we know it was caused by some
26 other way that their information was let out?

27 KEITH WESTENGARD: I -- I don't have the answer to that.
28 I -- I don't know. I don't know if the DA has some input --

29 CHAIRMAN MILLS: So --

30 KEITH WESTENGARD: -- or not.

31 DISTRICT ATTORNEY HERRERA: It would be almost impossible
32 to determine the source.

33 CHAIRMAN MILLS: All right. Well, I think we do -- we -- I
34 mean, we have some responsibility. We've taken steps to cover
35 that responsibility already.

36 Apparently there are some who feel that that hasn't been
37 enough.

38 So I would -- I would think maybe we'd want to do this for
39 one year. And we -- we need to be responsible when we've made
40 mistakes, but it can't be forever.

1 KEITH WESTENGARD: The -- there is -- there is an option if
2 -- just to do the Legal Shield. That's 15.95 a month or 191.40
3 a year. That's for the legal part of it. The -- the Legal and
4 ID Shield is 298.80 a year per person.

5 CHAIRMAN MILLS: How much overlap is there between this
6 program and the one we've already signed them up for?

7 COMMISSIONER WAITS: There --

8 KEITH WESTENGARD: Well, when I --

9 COMMISSIONER WAITS: There -- they --

10 KEITH WESTENGARD: When --

11 COMMISSIONER WAITS: Actually, there's a -- a comparative
12 in --

13 KEITH WESTENGARD: Yeah.

14 COMMISSIONER WAITS: -- your book.

15 KEITH WESTENGARD: I was going to say, --

16 CHAIRMAN MILLS: Is there? Oh.

17 KEITH WESTENGARD: -- there's a -- there's a --

18 COMMISSIONER WAITS: Uh-huh.

19 KEITH WESTENGARD: -- comparative in there. The --

20 COMMISSIONER ALLAN: It's 255.

21 CHAIRMAN MILLS: Oh.

22 COMMISSIONER WAITS: It's pretty close.

23 And, like I said, the -- the sad part is that we've -- we've
24 all been breached in so many ways with everything we belong to
25 that there's no way to know -- like you said, we just need to try
26 to make them feel a little better because this one was our -- our
27 error. So...

28 CHAIRMAN MILLS: So what do you want to do?

29 COMMISSIONER BAKKER: Well, at \$300 a person, 13 people,
30 that's \$3900 a year.

31 And I thought -- and say you say seven years or a year, but I
32 calculate in the seven years because that's the time frame -- what
33 am I looking for?

34 DISTRICT ATTORNEY HERRERA: Statute --

35 COMMISSIONER BAKKER: Seven-year --

36 DISTRICT ATTORNEY HERRERA: -- of limitations.

37 COMMISSIONER BAKKER: -- time frame.

38 UNIDENTIFIED PARTICIPANT: Uh-huh.

39 COMMISSIONER BAKKER: Okay. So that works \$27,400 for the
40 seven years for all 13 people. I don't think that's asking too

1 much to supply that for them for seven years sincing it was our
2 fault. And we are --
3 CHAIRMAN MILLS: So --
4 COMMISSIONER BAKKER: -- taking responsibility --
5 CHAIRMAN MILLS: Another --
6 COMMISSIONER BAKKER: -- on this one item.
7 CHAIRMAN MILLS: -- another weird question. If we give the
8 employees as -- basically it's like a -- giving them a benefit.
9 Is that counted as income to them? Or as a wage? Or --
10 KEITH WESTENGARD: No, we'll -- we'll pay it out of -- as a
11 county purchase.
12 So --
13 CHAIRMAN MILLS: Okay.
14 KEITH WESTENGARD: -- it -- it wouldn't be their -- it
15 wouldn't be counted as their income.
16 COMMISSIONER BAKKER: So?
17 COMMISSIONER ALLAN: I don't think that's unreasonable.
18 COMMISSIONER BAKKER: Especially after just seeing our
19 audit report.
20 COMMISSIONER ALLAN: Now, don't --
21 CHAIRMAN MILLS: Oh, let's --
22 COMMISSIONER ALLAN: -- don't think you --
23 CHAIRMAN MILLS: -- give it away.
24 COMMISSIONER ALLAN: -- can go start spending money.
25 COMMISSIONER BAKKER: Art?
26 COMMISSIONER CLARK: I -- I brought it forward. I made my
27 declaration so that everybody knows that I know Greg. He's my
28 finance guy.
29 But right now everything is -- I don't have any business
30 with him. And I don't get any --
31 DISTRICT ATTORNEY HERRERA: You have no conflict of the
32 interest.
33 COMMISSIONER CLARK: Okay. That's what I wanted to hear,
34 Counselor.
35 DISTRICT ATTORNEY HERRERA: If that's what you're getting
36 at.
37 COMMISSIONER BAKKER: The county was already -- had this
38 for --
39 CHAIRMAN MILLS: We're just wondering what you want to do.
40 COMMISSIONER BAKKER: Yeah.

1 COMMISSIONER CLARK: Yeah. Make your --
2 COMMISSIONER BAKKER: Okay.
3 COMMISSIONER CLARK: -- motion, Sean.
4 COMMISSIONER BAKKER: I'll make a motion to approve the
5 purchase of Legal Shield, a protective measure for Lander County
6 employees that were affected by the unintentional release of
7 personal information, for seven years.
8 COMMISSIONER ALLAN: Legal Shield or Law Shield?
9 COMMISSIONER BAKKER: Yeah, what?
10 CHAIRMAN MILLS: Legal --
11 COMMISSIONER WAITS: Legal Shield --
12 CHAIRMAN MILLS: Legal --
13 COMMISSIONER WAITS: -- and ID?
14 CHAIRMAN MILLS: -- Shield.
15 COMMISSIONER BAKKER: Legal --
16 KEITH WESTENGARD: That's what I --
17 COMMISSIONER BAKKER: -- Shield and ID?
18 KEITH WESTENGARD: Yeah, that's what I'm asking.
19 COMMISSIONER BAKKER: Yep.
20 KEITH WESTENGARD: Because it --
21 COMMISSIONER BAKKER: At the \$300 per person.
22 KEITH WESTENGARD: Okay. All right.
23 COMMISSIONER ALLAN: I'll second that.
24 CHAIRMAN MILLS: Okay. Sean made a motion. Judie
25 seconded.
26 Do we have any public comment?
27 COMMISSIONER CLARK: Nolienna?
28 NOLIENA CASTELLANOS: I can have it.
29 COMMISSIONER CLARK: I --
30 NOLIENA CASTELLANOS: Nolienna Castellanos.
31 COMMISSIONER CLARK: -- you were the one I was thinking
32 about when I heard this.
33 NOLIENA CASTELLANOS: No, I do. Legal Shield's much better
34 than LifeLock just because it also protects you --
35 COMMISSIONER CLARK: Okay.
36 NOLIENA CASTELLANOS: -- for legal forms if something
37 happens for them. So it's a good choice.
38 COMMISSIONER BAKKER: Your name, please?
39 NOLIENA CASTELLANOS: I did.
40 COMMISSIONER BAKKER: Oh. Okay.

1 NOLIENA CASTELLANOS: Noliena Castellanos.
2 COMMISSIONER ALLAN: Keith?
3 COMMISSIONER BAKKER: Okay. Sorry.
4 COMMISSIONER ALLAN: We've already enrolled these people in
5 LifeLock. And that's good for --
6 KEITH WESTENGARD: Yes.
7 COMMISSIONER ALLAN: -- a year. So we're kind of doing a
8 double --
9 KEITH WESTENGARD: Well, it'll expire after the first year.
10 COMMISSIONER ALLAN: Well, I know. But is there any way we
11 can cancel --
12 COMMISSIONER WAITS: You want to cancel --
13 COMMISSIONER ALLAN: -- the --
14 COMMISSIONER WAITS: -- LifeLock?
15 COMMISSIONER ALLAN: -- LifeLock? And -- and just --
16 COMMISSIONER WAITS: Can we cancel LifeLock?
17 COMMISSIONER ALLAN: -- go effective --
18 KEITH WESTENGARD: I don't -- I don't -- I can call them,
19 --
20 CHAIRMAN MILLS: I (indiscernible).
21 KEITH WESTENGARD: -- but I don't --
22 CHAIRMAN MILLS: Wouldn't worry --
23 KEITH WESTENGARD: -- think so.
24 CHAIRMAN MILLS: -- about it.
25 COMMISSIONER ALLAN: I know it's -- but still.
26 COMMISSIONER CLARK: That's --
27 CHAIRMAN MILLS: Okay.
28 COMMISSIONER CLARK: -- minimal. It's minimal.
29 KELLY PULLIN: My name is Kelly Pullin, for the record.
30 I'm the business office manager at that Battle Mountain General
31 Hospital.
32 When this happened, the Battle Mountain General Hospital
33 was made aware of the incident that some Lander County
34 employees' personal information was unintentionally published to
35 the public concerning some physicals or drug screens that the
36 Battle Mountain General Hospital performed.
37 When we found this out, we immediately did an internal
38 investigation and determined that we did not have any violations
39 of HIPAA. And we maintained all of our standards of
40 confidentiality.

1 BMGH has not -- has always included this information with the
2 billing. We did not alter our billing process from previous
3 months and even years. This is information that has been required
4 in order for our bills to be paid to ensure you guys are paying
5 your actual employees' bills. And so --

6 But we would like to offer a review with the Lander County
7 HR or whoever does the billing to see if there's a better
8 process. We're definitely open to reviewing the billing
9 process, see if there's something that -- that we can figure out
10 to ensure that this never happens again.

11 Also, the Battle Mountain General Hospital does do extensive
12 training on HIPAA. We -- we understand that Lander County does
13 not fall under HIPAA. It's a medical law. But we know the
14 importance of keeping people's medical and personal information
15 completely confidential and private. And we are extending an
16 offer to Lander County for any training, to include them when we
17 do our HIPAA training or any kind of personal training. And --
18 because we do know the importance of keeping this information
19 confidential.

20 So if they're open to it or want to discuss it, we would
21 definitely be open to helping provide some of that training so
22 that --

23 COMMISSIONER CLARK: Thank you.

24 KELLY PULLIN: -- they know --

25 COMMISSIONER ALLAN: Thank you, --

26 KELLY PULLIN: -- the importance --

27 COMMISSIONER ALLAN: -- Kelly.

28 KELLY PULLIN: -- of it.

29 COMMISSIONER CLARK: Thank you very --

30 COMMISSIONER ALLAN: I think that's --

31 COMMISSIONER CLARK: -- much.

32 COMMISSIONER ALLAN: -- excellent. I think --

33 CHAIRMAN MILLS: Appreciate --

34 COMMISSIONER WAITS: Appreciate --

35 CHAIRMAN MILLS: -- your offer --

36 COMMISSIONER WAITS: -- that --

37 CHAIRMAN MILLS: -- on --

38 COMMISSIONER WAITS: -- offer.

39 CHAIRMAN MILLS: -- that. And --

40 COMMISSIONER ALLAN: Yes.

1 KELLY PULLIN: Yep.
2 COMMISSIONER ALLAN: Maybe that's something that --
3 KELLY PULLIN: They can contact us at any time. And we
4 would be more than happy to help provide that training.
5 COMMISSIONER BAKKER: Thank you, Kelly.
6 KELLY PULLIN: Thank you.
7 CHAIRMAN MILLS: Other public comment?
8 COURTNEY FORTUNE: Courtney Fortune, for the record.
9 You said that you were going cancel LifeLock or whatever.
10 COMMISSIONER BAKKER: No.
11 KEITH WESTENGARD: I was --
12 COMMISSIONER CLARK: No.
13 COMMISSIONER ALLAN: No.
14 KEITH WESTENGARD: -- going to check --
15 COMMISSIONER ALLAN: We just --
16 KEITH WESTENGARD: -- into it.
17 COURTNEY FORTUNE: Or -- okay.
18 KEITH WESTENGARD: And then Judie --
19 COURTNEY FORTUNE: So --
20 KEITH WESTENGARD: -- said not to worry about it.
21 COURTNEY FORTUNE: Identity --
22 COMMISSIONER CLARK: Don't worry about it.
23 COURTNEY FORTUNE: Signing up for -- you're saying that all
24 of these people have already signed up for the identity
25 whatever. They haven't.
26 I only know of one.
27 KEITH WESTENGARD: No. My credit card statement shows
28 different.
29 COURTNEY FORTUNE: So have they been notified that they've
30 --
31 KEITH WESTENGARD: They had to actually come in and sign up
32 for it. That's what the letter that was given to them said they
33 had to do.
34 COURTNEY FORTUNE: Right. So you personally never called
35 any of these people to apologize, to say sorry for this
36 happening, to say, "This is what we're going to offer. This is
37 how much it's going to cost the county. Would you like to sign
38 up for this?" All's they got was a letter in the mail.
39 KEITH WESTENGARD: Correct.
40 COURTNEY FORTUNE: Correct?

1 KEITH WESTENGARD: Yep.
2 COURTNEY FORTUNE: So what I think should happen is that
3 you personally should call those 13 people, bring them into your
4 office, explain to them what you're going to offer them, instead
5 of sending out a letter in the mail. And maybe they don't want
6 to come forward. Maybe they don't want it. I don't know.
7 But I think that that should be an option for you to bring
8 them in personally and apologize to them face to face, not
9 through a letter in the mail, not not personal.
10 I think you need to make this more personal -- more personal
11 than what it has been.
12 UNIDENTIFIED PARTICIPANT: Uh-huh. I agree.
13 COURTNEY FORTUNE: You know.
14 CHAIRMAN MILLS: Okay.
15 COURTNEY FORTUNE: There was some people that -- that this
16 happened to that had no idea until they got the letter in the
17 mail three weeks after it happened. Like, that's not fair to
18 them, is it?
19 COMMISSIONER WAITS: Sometimes it takes months for the
20 bigger companies to notify.
21 COURTNEY FORTUNE: Right.
22 COMMISSIONER WAITS: So -- so it is --
23 COURTNEY FORTUNE: But --
24 COMMISSIONER WAITS: -- sad.
25 COURTNEY FORTUNE: But this was when the email was
26 circulated. I have the email on my phone. I could forward it
27 to anybody in this room right now and they're going to have
28 those 13 people's social security numbers.
29 I could save it for ten years and resend it out after all of
30 this expires. I would never do that. My fiancé was part of this.
31 That's why I'm sitting right here. And I just think that it was
32 very --
33 I know that mistakes happen. I one hundred percent agree
34 that mistakes happened.
35 But when you're 20, 25, 30 years old trying to establish your
36 credit and your life and everything else, if their identity's
37 stolen, then what?
38 COMMISSIONER WAITS: No, it -- it hurts at any age.
39 COURTNEY FORTUNE: I know.
40 COMMISSIONER WAITS: Absolutely.

1 COURTNEY FORTUNE: I know. I agree. But when you're 60 or
2 70 and your life's established versus when you're 25 trying to
3 buy a house, when you're 30 trying to refinance a vehicle,
4 whatever it is, I just think that it should have been taken care
5 of when it first happened, more personal-- more personally than
6 it was.

7 I don't think that a letter in the mail should have been the
8 only way to go about it.

9 As an executive director of the county, they should have
10 called each person in individually and apologized, said, this is
11 what happened, et cetera, et cetera.

12 One of the people that it happened to only knew because I
13 called Brad and told him, and another person in the vehicle
14 said, "Wait. What? My name's on there?"

15 "Yeah."

16 So there was people that didn't know it happened until they
17 got the letter in the mail.

18 I don't think that that was right. I think that every one of
19 these people deserve an apology face to face.

20 COMMISSIONER WAITS: You want more personal communication?

21 COURTNEY FORTUNE: Yeah. Exactly.

22 COMMISSIONER WAITS: Understand.

23 COURTNEY FORTUNE: I don't think that that's too much to
24 ask -- right? -- just for an apology. I'm sorry this happened
25 to you. Mistakes happen. You know.

26 COMMISSIONER CLARK: Well, I'm certainly sorry that it
27 happened.

28 COURTNEY FORTUNE: Yeah.

29 COMMISSIONER WAITS: Uh-huh. We all --

30 COURTNEY FORTUNE: And I know --

31 COMMISSIONER WAITS: -- are.

32 COMMISSIONER CLARK: Yeah.

33 COURTNEY FORTUNE: -- that everybody is. And I know that
34 it happened and that it --

35 UNIDENTIFIED PARTICIPANT: I know.

36 COURTNEY FORTUNE: You know.

37 COMMISSIONER CLARK: And we --

38 COURTNEY FORTUNE: I get all of that. But --

39 COMMISSIONER CLARK: We've been on it. And --

40 COURTNEY FORTUNE: Yeah.

1 COMMISSIONER CLARK: -- I can't guarantee that it won't
2 happen again.

3 COURTNEY FORTUNE: Right.

4 COMMISSIONER CLARK: But I'll bet you that there's a lot of
5 checks and balances to make --

6 COURTNEY FORTUNE: Right.

7 COMMISSIONER CLARK: -- sure it doesn't.

8 COURTNEY FORTUNE: Yeah. Yeah. And I agree with that. I
9 just think that it should have been handled in a different way
10 than what it is right now in a commissioners' meeting. You know
11 what I mean?

12 COMMISSIONER WAITS: Appreciate your comments. Yes, ma'am.

13 COURTNEY FORTUNE: Thanks.

14 CHAIRMAN MILLS: Okay.

15 COMMISSIONER BAKKER: Thank you, Courtney.

16 CHAIRMAN MILLS: Other --

17 COMMISSIONER CLARK: Thanks, Court-.

18 CHAIRMAN MILLS: Other public comment?

19 (No comment.)

20 CHAIRMAN MILLS: All in favor?

21 COMMISSIONER BAKKER: Aye.

22 CHAIRMAN MILLS: Aye.

23 COMMISSIONER ALLAN: Aye.

24 COMMISSIONER WAITS: Aye.

25 COMMISSIONER CLARK: Aye.

26 COMMISSIONER BAKKER: Okay.

27
28 3) Discussion for possible action to approve/disapprove the use
29 of the Battle Mountain Recreation Center for the Class of
30 2018 Sober Senior party on June 8, 2018, from 9:00 p.m. until
31 6:00 a.m. on June 9, 2018, and all other matters properly
32 related thereto.
33

34 CHAIRMAN MILLS: Back to Item Number 3. Discussion for
35 possible action to approve/disapprove the use of the Battle
36 Mountain Recreation Center for the Class of 2018 Sober Senior
37 party on June 8, 2018, from 9:00 p.m. until 6:00 a.m. on
38 June 9th, 2018, --

39 COMMISSIONER CLARK: I'll make a motion right now.

40 CHAIRMAN MILLS: -- and all other matters properly related

1 thereto.

2 COMMISSIONER CLARK: Good -- good place to have it.

3 ROBIN SMITH: Robin Smith, for the record.

4 How are you guys doing today?

5 COMMISSIONER BAKKER: Good. You, Robin?

6 COMMISSIONER ALLAN: Good.

7 CHAIRMAN MILLS: Good.

8 ROBIN SMITH: So I apologize. Representation for Sober
9 Seniors was not able to be here today. So I am representing
10 Sober Seniors and the rec center.

11 COMMISSIONER BAKKER: Okay.

12 ROBIN SMITH: We have been asked, as the letter states, if
13 the Sober Senior graduating class could use the rec center for
14 their party this year.

15 I think it's a great idea. I think we should try it out.

16 COMMISSIONER BAKKER: Now -- I don't want to cut you off.

17 ROBIN SMITH: Nope. Go ahead.

18 COMMISSIONER BAKKER: And I know I've asked this before, so
19 what's the -- what's going to be in place for lifeguards?
20 Chaperones? What are we doing?

21 ROBIN SMITH: Okay. So they're asking that the pool be
22 open from 9:00 p.m. to midnight. I think that is more than
23 enough time for them to swim.

24 I will lifeguard. And I also have my full-time adult
25 lifeguards who I feel are a little bit more alert than some of
26 the part-time high school kids.

27 COMMISSIONER WAITS: I -- I truly appreciated your -- your
28 letter, Robin, because, when I read it through, I had all the
29 questions. You know, do we absorb the costs? What about the
30 lifeguards? Who's got the responsibility? How do we block the
31 pool out? You know, all the things that came. And -- and I
32 thought you covered it well.

33 ROBIN SMITH: Thank you.

34 COMMISSIONER BAKKER: I just want to air it out in the
35 meeting, though.

36 ROBIN SMITH: Yep.

37 COMMISSIONER WAITS: Yeah.

38 ROBIN SMITH: Thank you.

39 CHAIRMAN MILLS: Right.

40 COMMISSIONER CLARK: What -- what are the kids going to do

1 before 9:00 o'clock?
2 ROBIN SMITH: I --
3 COMMISSIONER CLARK: Do they have a -- a party or
4 something?
5 ROBIN SMITH: Well, the -- I -- and I'm not sure yet.
6 COMMISSIONER CLARK: Uh-huh.
7 ROBIN SMITH: I believe graduation --
8 COMMISSIONER CLARK: Okay.
9 ROBIN SMITH: -- last till about -- yeah. That's --
10 COMMISSIONER CLARK: We don't want --
11 ROBIN SMITH: -- graduation.
12 COMMISSIONER CLARK: -- we don't want to give them too much
13 time between --
14 ROBIN SMITH: Right.
15 COMMISSIONER CLARK: -- leaving the high school and going
16 to the rec center.
17 ROBIN SMITH: Right. But that could take that long.
18 COMMISSIONER CLARK: And you're going to have moms there
19 on --
20 ROBIN SMITH: Yes.
21 COMMISSIONER CLARK: Okay.
22 ROBIN SMITH: Yes.
23 We do have Sober Senior chaperones. Most of them are
24 mothers. My included. And we are going to be -- monitor them at
25 the doors coming in.
26 And like I stated here, if there's any sign of --
27 COMMISSIONER CLARK: Anything.
28 ROBIN SMITH: -- subs- -- yeah -- we will turn them away
29 and contact the proper authorities if needed.
30 COMMISSIONER BAKKER: So after midnight they'll be in the
31 gym.
32 ROBIN SMITH: Yes. The pool will -- aquatic area will all
33 be locked down and secured. Locker rooms will be locked and
34 secured. They will have restrooms.
35 COMMISSIONER BAKKER: Perfect.
36 COMMISSIONER ALLAN: What about the game room?
37 ROBIN SMITH: The game room will be open. The gym will be
38 open. The racquetball court will be open. They want to bring
39 in a photo booth and a money booth. And that's all the extra
40 stuff that they want to bring in. Those are only two extra

1 things.
2 COMMISSIONER CLARK: Well, what about food? They're going
3 to need food.
4 ROBIN SMITH: Yes. Sober Seniors, --
5 COMMISSIONER CLARK: Okay.
6 ROBIN SMITH: Us parents are going to provide pizza.
7 COMMISSIONER CLARK: Okay.
8 ROBIN SMITH: Yeah.
9 COMMISSIONER BAKKER: And, like, --
10 ROBIN SMITH: And that all (indiscernible) --
11 COMMISSIONER BAKKER: -- the photo booth and stuff you're
12 going to put in the --
13 ROBIN SMITH: It'll be in the reception area.
14 COMMISSIONER BAKKER: Okay.
15 ROBIN SMITH: Yeah.
16 COMMISSIONER CLARK: And little --
17 COMMISSIONER ALLAN: And no food allowed in the gym area?
18 ROBIN SMITH: No. No.
19 COMMISSIONER CLARK: A little side note on this. If I
20 remember correctly, it was Hy Forgeron and his wife that started
21 this many, many, many, many years ago.
22 ROBIN SMITH: Yeah.
23 COMMISSIONER CLARK: The Sober Seniors.
24 ROBIN SMITH: Yeah. Well, it's definitely a good program.
25 And as sober senior committee, we have been working hard towards
26 it. And we would love -- love to utilize the rec center. It'll
27 be a good trial year and see how future -- you know, future
28 years' --
29 COMMISSIONER BAKKER: Okay.
30 ROBIN SMITH: -- classes do and stuff. So --
31 COMMISSIONER BAKKER: I'll make a motion to approve the use
32 of the Battle Mountain Recreation Center for the Class of 2018
33 Sober Seniors party on June 8th, 2018, from 9:00 p.m. until
34 6:00 a.m.
35 COMMISSIONER ALLAN: Second.
36 COMMISSIONER CLARK: Second.
37 COMMISSIONER BAKKER: And -- oh. Let me amend that to
38 6:00 a.m. on June 9th, 2018.
39 COMMISSIONER ALLAN: Second.
40 COMMISSIONER BAKKER: Okay.

1 CHAIRMAN MILLS: Okay. Sean made a motion. Judie
2 seconded.

3 Do we have any public comment?

4 (No comment.)

5 CHAIRMAN MILLS: All in favor?

6 COMMISSIONER BAKKER: Aye.

7 COMMISSIONER ALLAN: Aye.

8 CHAIRMAN MILLS: Aye.

9 COMMISSIONER WAITS: Aye.

10 COMMISSIONER CLARK: Aye.

11 CHAIRMAN MILLS: Thank you.

12 ROBIN SMITH: Thank you.

13 COMMISSIONER BAKKER: Thank --

14 COMMISSIONER CLARK: I will --

15 COMMISSIONER BAKKER: -- you.

16 COMMISSIONER CLARK: -- be very surprised if anybody pulls
17 anything over on you guys.

18 UNIDENTIFIED PARTICIPANT: That's right. Not while Robin's
19 there.

20
21 **4) Discussion and possible action regarding approval/disapproval**
22 **of the OSHA annual report and authorization for the chair or**
23 **vice chair to sign the OSHA 300A form, and all other matters**
24 **properly related thereto.**
25

26 CHAIRMAN MILLS: Okay. Item Number 4. Discussion and
27 possible action regarding approval/disapproval of the OSHA
28 annual report and authoriz- -- authorization for the chair or
29 vice chair to sign the OSHA 300A form, and all other matters
30 properly related thereto.

31 KEITH WESTENGARD: This is our annual OSHA-required
32 reporting.

33 I'm happy to report we're -- we're down to four reportable
34 acc- -- or I'm sorry -- five reportable accidents this year,
35 down last year from -- I believe we were at 12.

36 So this gets signed. It gets sent in to OSHA. And then it's
37 posted here at this courthouse. And it's posted in southern
38 Lander County at the courthouse down there.

39 COMMISSIONER BAKKER: Okay.

40 COMMISSIONER WAITS: I'll make a motion we approve the OSHA

1 annual report and authorization for the chair or vice chair to
2 sign the OSHA 300A form --

3 COMMISSIONER BAKKER: Second.

4 COMMISSIONER WAITS: -- for two thousand and -- what is it?
5 -- seventeen?

6 KEITH WESTENGARD: Yes.

7 COMMISSIONER WAITS: It's -- it's the whole year?

8 KEITH WESTENGARD: This is calendar year '17.

9 COMMISSIONER WAITS: Okay.

10 COMMISSIONER BAKKER: Second.

11 CHAIRMAN MILLS: Okay. Patsy made a motion. Sean
12 seconded.

13 Do we have any public comment?

14 (No comment.)

15 CHAIRMAN MILLS: All in favor?

16 COMMISSIONER ALLAN: Aye.

17 COMMISSIONER BAKKER: Aye.

18 CHAIRMAN MILLS: Aye.

19 COMMISSIONER WAITS: Aye.

20 COMMISSIONER CLARK: Aye.

21 KEITH WESTENGARD: One for Sadie. And then one for -- make
22 a copy of the second one to go to Austin.

23 UNIDENTIFIED PARTICIPANT: What are you doing? Have a --

24 CHAIRMAN MILLS: Thank you.

25 KEITH WESTENGARD: You're welcome.

26
27 5) Discussion and possible action regarding the annual Lander
28 County Local Emergency Planning Committee (LEPC) letter of
29 promulgation and authorization for the chair or vice chair to
30 sign, and all other matters properly related thereto.
31

32 CHAIRMAN MILLS: Okay. Moving to Item Number 5.
33 Discussion and possible action regarding annual letter -- or
34 annual Lander County Local Emergency Planning Commission
35 [verbatim], LEPC, letter of promulgation and authorization for
36 the chair or vice chair to sign, and all other matters properly
37 related thereto.

38 KEITH WESTENGARD: This is LEPC's annual letter of
39 promulgation that's required to stay in compliance by the state.
40 It's pretty much the same every year. We just change the date.

1 And it's submitted as part of our compliance program.

2 It -- it -- well, you can read it there. It talks about the
3 operations plan and so forth. And then that's submitted -- like I
4 say -- submitted to the state for --

5 COMMISSIONER WAITS: Who do we send this to?

6 KEITH WESTENGARD: It goes to the SERC, the State Emergency
7 Response Commission, which is the overseer of LEPC at the state
8 level. That --

9 And -- and it -- main- -- maintain compliance is -- is
10 important because that gives LEPC the ability to go over the --
11 to receive the -- up to three grants a year, each at around
12 \$30,000 -- each grant.

13 So 90,000 a year that they are eligible for.

14 COMMISSIONER BAKKER: Okay.

15 I'll make a motion to approve the annual Lander County Local
16 Emergency Planning Committee letter of promulgation and authorize
17 the chair to sign.

18 COMMISSIONER ALLAN: Second.

19 CHAIRMAN MILLS: Sean made a motion. Judie seconded.
20 Do we have any public comment?

21 (No comment.)

22 CHAIRMAN MILLS: All in favor?

23 COMMISSIONER ALLAN: Aye.

24 COMMISSIONER BAKKER: Aye.

25 CHAIRMAN MILLS: Aye.

26 COMMISSIONER WAITS: Aye.

27 COMMISSIONER CLARK: Aye.

28

29 **6) Discussion for possible action to approve/disapprove the**
30 **public service announcement from the Lander County Planning**
31 **Committee, and all other matters properly related thereto.**
32

33 CHAIRMAN MILLS: Item 6. Discussion for possible action to
34 approve/disapprove the public service announcement from Lander
35 County Emergency Planning Committee, and all other matters
36 properly related thereto.

37 COMMISSIONER ALLAN: Do we need to read this?
38 Okay.

39 DISTRICT ATTORNEY HERRERA: Not legally. It's not a
40 resolution or anything.

1 CHAIRMAN MILLS: Doesn't need to be read in the record?
2 DISTRICT ATTORNEY HERRERA: Well, you can. It's a public
3 service announcement.

4 COMMISSIONER ALLAN: Okay. I'll read this.

5 DISTRICT ATTORNEY HERRERA: I think it's discretionary.

6 CHAIRMAN MILLS: I think we've got a volunteer.

7 DISTRICT ATTORNEY HERRERA: Okay. It's -- it's always
8 helpful.

9 COMMISSIONER ALLAN: Well, I'm going make a motion that we
10 approve the public service announcement for the Lander County
11 Emergency Planning Committee.

12 COMMISSIONER WAITS: I'll second the motion.

13 COMMISSIONER ALLAN: As -- as -- as stated -- as -- as
14 written.

15 This notice is in compliance with the Superfund Amendment and
16 Reauthorization Act of 1986, hazardous material substances
17 reporting and planning information relating to SARA Title III
18 facility identification, Material Safety Data Sheets, MSDS, Tier
19 II reports and Title III response plans. This information is
20 available with a written request during business hours from Lander
21 County Emergency Management/Sheriff's Office located at #2 State
22 Route 305, Battle Mountain, Nevada 89820. Only information on
23 facilities with the local jurisdiction will be provided.

24 CHAIRMAN MILLS: Okay. Judie made a motion. Patsy
25 seconded.

26 Do we have any public comment?

27 (No comment.)

28 CHAIRMAN MILLS: All in favor?

29 COMMISSIONER ALLAN: Aye.

30 COMMISSIONER BAKKER: Aye.

31 COMMISSIONER WAITS: Aye.

32 CHAIRMAN MILLS: Aye.

33 COMMISSIONER CLARK: Aye.

34

35 7) Discussion for possible action regarding the creation of a
36 committee to oversee issues regarding R.S. 2477 roads within
37 Lander County, and all other matters properly related
38 thereto.

39

40 CHAIRMAN MILLS: Item 7. Discussion for possible action

1 regarding the creation of a committee to oversee issues
2 regarding S- -- R.S. 2477 roads within Lander County, and all
3 other matters properly related thereto.

4 KEITH WESTENGARD: So when Ken Brown was here last
5 commission meeting, we did have a short meeting with him at a
6 break.

7 And this -- and this is actually one of the things he
8 recommended, that we put together this committee.

9 So --

10 COMMISSIONER BAKKER: Well, and I know that's his
11 recommendation and --

12 Aren't we pretty far along with this, though, where we're
13 almost to the point of just submitting it to the state?

14 KEITH WESTENGARD: Is Bert still here?

15 COMMISSIONER WAITS: And -- and --

16 KEITH WESTENGARD: Bert?

17 COMMISSIONER WAITS: -- really, I think, if we're going to
18 do a committee, we should just turn it over to the public lands
19 advisory committee. They're the ones that have --

20 COMMISSIONER CLARK: Exactly.

21 COMMISSIONER WAITS: -- always been on top of it anyway.

22 COMMISSIONER CLARK: Exactly.

23 KEITH WESTENGARD: Well, we're pretty far along. Bert met
24 with Mr. Brown a little bit longer than -- than I did. And --

25 COMMISSIONER CLARK: Come on up, Bert.

26 KEITH WESTENGARD: From what I'm -- from what I gather out
27 of this --

28 COMMISSIONER WAITS: Yeah, I don't think we need to --

29 KEITH WESTENGARD: We're well ahead --

30 COMMISSIONER BAKKER: He's feeling a little --

31 COMMISSIONER WAITS: -- go any further.

32 COMMISSIONER BAKKER: -- under the weather.

33 KEITH WESTENGARD: We're well ahead of -- of -- we are well
34 ahead of everybody else in the state of Nevada.

35 COMMISSIONER CLARK: Except for those that have already
36 filed.

37 KEITH WESTENGARD: Nobody in the state's already filed.

38 COMMISSIONER CLARK: Nye County. I gave you the booklet
39 that they sent to the state.

40 KEITH WESTENGARD: Well, that was --

1 DISTRICT ATTORNEY HERRERA: Commissioners, maybe -- perhaps
2 if we opened up the next one too so you -- so you commissioners
3 can actually see the intersections that -- that Bert and Keith
4 have come up with that we're going to address in the state.
5 When -- when we send the letter to state, the letter -- the
6 state will --

7 COMMISSIONER BAKKER: Wrong -- this is the R.S. 2477 roads.

8 BERT RAMOS: Yeah. You're on a different topic.

9 COMMISSIONER BAKKER: They did --

10 DISTRICT ATTORNEY HERRERA: Okay.

11 COMMISSIONER BAKKER: -- two different --

12 DISTRICT ATTORNEY HERRERA: Okay.

13 COMMISSIONER BAKKER: -- things.

14 DISTRICT ATTORNEY HERRERA: But this is -- you still have
15 -- well, the next one is applicable, isn't it?

16 BERT RAMOS: No.

17 KEITH WESTENGARD: No, that's a whole -- that's the
18 whole --

19 CHAIRMAN MILLS: That's 2477 --

20 KEITH WESTENGARD: -- (indiscernible) --

21 CHAIRMAN MILLS: -- roads -- seven roads and ATVs --

22 COMMISSIONER WAITS: That's just crossing over --

23 CHAIRMAN MILLS: -- and relate --

24 COMMISSIONER WAITS: -- some of the roads. Yeah.

25 DISTRICT ATTORNEY HERRERA: Okay. Then -- then we -- I --
26 I don't believe you need it. I think Patsy's right.

27 KEITH WESTENGARD: Okay. Well --

28 COMMISSIONER CLARK: I think Patsy's --

29 KEITH WESTENGARD: It --

30 COMMISSIONER CLARK: -- right.

31 KEITH WESTENGARD: -- it was just a suggestion by
32 Mr. Brown. And I wanted to bring it --

33 COMMISSIONER CLARK: Right.

34 KEITH WESTENGARD: -- to the commissioners.

35 CHAIRMAN MILLS: Okay.

36 COMMISSIONER CLARK: Is --

37 KEITH WESTENGARD: That was it.

38 COMMISSIONER CLARK: Frank?

39 COMMISSIONER BAKKER: Frank, are you there?

40 FRANK WHITMAN: Yo.

1 COMMISSIONER BAKKER: Do you have any --
2 COMMISSIONER CLARK: Frank?
3 COMMISSIONER BAKKER: -- comment?
4 FRANK WHITMAN: No, sir. Not at the moment.
5 COMMISSIONER CLARK: You think we can handle this, Frank?
6 FRANK WHITMAN: Yes.
7 COMMISSIONER CLARK: Okay.
8 KEITH WESTENGARD: Okay.
9 COMMISSIONER ALLAN: Thank you, --
10 COMMISSIONER BAKKER: Okay.
11 COMMISSIONER ALLAN: -- Frank.
12 COMMISSIONER BAKKER: Thank you, Frank.
13 CHAIRMAN MILLS: There's -- there's a committee right
14 there. You give it --
15 COMMISSIONER BAKKER: Yep.
16 CHAIRMAN MILLS: -- to PLUAC.
17 COMMISSIONER BAKKER: You got one more, though, Bert.
18 BERT RAMOS: Yeah.
19 CHAIRMAN MILLS: Okay.
20 COMMISSIONER WAITS: Okay.
21 CHAIRMAN MILLS: So we're done with seven?
22 COMMISSIONER BAKKER: Yep.
23 KEITH WESTENGARD: That'll go --
24 COMMISSIONER WAITS: Okay.
25 KEITH WESTENGARD: -- to -- excuse me. That will go to
26 public lands; is that correct?
27 COMMISSIONER BAKKER: Yep.
28 COMMISSIONER WAITS: Yes.
29 KEITH WESTENGARD: Okay.
30 COMMISSIONER CLARK: Yeah. We don't -- we don't need a
31 motion on this, do we?
32 COMMISSIONER WAITS: No.
33 COMMISSIONER BAKKER: No.
34 KEITH WESTENGARD: I don't think so. It was just a
35 suggested --
36 COMMISSIONER CLARK: We'll plan --
37 KEITH WESTENGARD: -- committee.
38 COMMISSIONER CLARK: -- to take care of it.
39 CHAIRMAN MILLS: Right. Okay. Good enough.
40

1 8) Discussion for possible action regarding the all-terrain
2 vehicle (ATV) map and direction to submit a letter to the
3 State of Nevada requesting crossing areas of state highways,
4 and all other matters properly related thereto.
5

6 CHAIRMAN MILLS: Item Number 8. Discussion for possible
7 action regarding the all-terrain vehicle, ATV, map and direction
8 to submit a letter to the State of Nevada requesting crossing
9 areas of state highways, and all other matters properly related
10 thereto.

11 COMMISSIONER BAKKER: Okay.

12 COMMISSIONER WAITS: Did you put this together, Bert?

13 BERT RAMOS: Tammy did.

14 COMMISSIONER BAKKER: Oh.

15 COMMISSIONER WAITS: I'm -- I'm just --

16 COMMISSIONER BAKKER: Good job, Tammy.

17 COMMISSIONER WAITS: I'm just wondering, especially when I
18 looked at 50. Do we want them to just cross over every single
19 road and go, "That's it"? Anywhere they are in Austin they can
20 just cross over?

21 BERT RAMOS: Well --

22 COMMISSIONER WAITS: Otherwise, we'd have to put a sign,
23 ATV Crossing Only Here or something.

24 BERT RAMOS: Well, I don't know that we can -- Bert Ramos.
25 I don't know that we can necessarily put ATV crossing or
26 anything because we don't have the right-of-way to any state --

27 COMMISSIONER WAITS: Right, but I meant --

28 BERT RAMOS: -- roads.

29 COMMISSIONER WAITS: No, what I meant was all of them, if
30 we just did one. If we just said, "You can cross on Third
31 Street," we'd have to put a sign up or something that said you
32 could --

33 BERT RAMOS: Yes.

34 COMMISSIONER WAITS: -- do that. Where otherwise we --

35 DISTRICT ATTORNEY HERRERA: That's going to have --

36 COMMISSIONER WAITS: -- just say, --

37 DISTRICT ATTORNEY HERRERA: -- to say --

38 COMMISSIONER WAITS: -- "You can cross anywhere you want."

39 BERT RAMOS: Well, --

40 COMMISSIONER WAITS: If they don't --

1 BERT RAMOS: -- we can't -- we can't really tell them they
2 can cross.
3 CHAIRMAN MILLS: Maybe --
4 BERT RAMOS: Is all we can tell is that --
5 CHAIRMAN MILLS: We don't have --
6 BERT RAMOS: -- they have --
7 CHAIRMAN MILLS: -- authority to tell them they can cross a
8 road that we --
9 BERT RAMOS: We -- we can only --
10 CHAIRMAN MILLS: -- don't have authority to tell them they
11 can cross the road.
12 BERT RAMOS: Yeah. We can only tell them that they have
13 authority to ride on Lander County's roads, not anything to do
14 with NDOT.
15 COMMISSIONER WAITS: Well, that, I know. But we're going
16 over to the state to say, "Can we do this?" so we don't have to
17 arrest them when they do.
18 DISTRICT ATTORNEY HERRERA: And they're -- and they're not
19 going to reply.
20 COMMISSIONER WAITS: And they're not going to reply. So
21 it's just courtesy. Okay.
22 DISTRICT ATTORNEY HERRERA: No, but we're going to send
23 them a map. So there's -- there's competing statutes. One
24 statute says we -- we have to --
25 COMMISSIONER WAITS: Yeah.
26 DISTRICT ATTORNEY HERRERA: -- we have to ask --
27 COMMISSIONER WAITS: This is the letter --
28 DISTRICT ATTORNEY HERRERA: -- them --
29 COMMISSIONER WAITS: -- we were going to do last November.
30 DISTRICT ATTORNEY HERRERA: Right. We ask --
31 COMMISSIONER WAITS: Right? Okay.
32 DISTRICT ATTORNEY HERRERA: -- we ask their permission --
33 and they have to -- they have to respond within -- within a
34 certain amount of time.
35 Then another statute, which they rely on, says they -- they
36 don't have to respond at all.
37 COMMISSIONER WAITS: Okay. We do what we need to do.
38 And --
39 DISTRICT ATTORNEY HERRERA: Right.
40 COMMISSIONER WAITS: -- they do what they do.

1 DISTRICT ATTORNEY HERRERA: So we'll -- we'll just send it.
2 We'll follow our statute and then make the ordinance.

3 COMMISSIONER CLARK: Yeah. We're -- we're --

4 COMMISSIONER WAITS: Okay.

5 COMMISSIONER CLARK: -- following -- we're moving forward
6 with this.

7 COMMISSIONER WAITS: Okay.

8 COMMISSIONER BAKKER: Cool. Then I'll make a motion to
9 approve -- we're not approving the map yet, though, are we?

10 COMMISSIONER WAITS: No, we're just submitting --

11 COMMISSIONER BAKKER: Yeah.

12 COMMISSIONER WAITS: -- the letter.

13 COMMISSIONER BAKKER: We're submitting --

14 CHAIRMAN MILLS: Submitting --

15 COMMISSIONER BAKKER: -- the letter.

16 CHAIRMAN MILLS: -- the letter.

17 COMMISSIONER BAKKER: I'll make a motion to approve the
18 submittal of the letter to the State of Nevada requesting the
19 crossing areas of state highways --

20 COMMISSIONER CLARK: Second.

21 COMMISSIONER BAKKER: -- in Lander County.

22 KEITH WESTENGARD: So are we doing all of the --

23 DISTRICT ATTORNEY HERRERA: Wait. Wait. Wait. If we
24 don't approve the map, then I'm not going to send --

25 COMMISSIONER WAITS: We did- --

26 DISTRICT ATTORNEY HERRERA: -- the letter.

27 COMMISSIONER WAITS: -- we didn't.

28 KEITH WESTENGARD: Is it all the crossings that you're --

29 COMMISSIONER WAITS: We didn't.

30 COMMISSIONER BAKKER: Yeah. Send all these -- they're not
31 going to respond. There's no map in our backup.

32 COMMISSIONER CLARK: No.

33 KEITH WESTENGARD: Yeah, there is. There should be a map.

34 CHAIRMAN MILLS: There's not.

35 COMMISSIONER CLARK: Yeah.

36 COMMISSIONER BAKKER: Okay.

37 COMMISSIONER CLARK: There's one right --

38 KEITH WESTENGARD: And what -- the --

39 COMMISSIONER CLARK: The first --

40 KEITH WESTENGARD: -- question is --

1 CHAIRMAN MILLS: Did you lose your map?
2 COMMISSIONER BAKKER: I didn't get a map. That's --
3 COMMISSIONER ALLAN: Because he's --
4 COMMISSIONER BAKKER: -- okay.
5 COMMISSIONER ALLAN: -- online.
6 KEITH WESTENGARD: You get yours online. So I --
7 COMMISSIONER BAKKER: Yeah. Well, I didn't get it online
8 either.
9 COMMISSIONER CLARK: That's the problem when you do it
10 digital.
11 COMMISSIONER WAITS: I need one too.
12 COMMISSIONER BAKKER: Yeah. Because you send hers online.
13 And they print it out. So obviously they didn't send one.
14 KEITH WESTENGARD: (Indiscernible.)
15 COMMISSIONER CLARK: I think the next step that we need to
16 do is approve the letter going to the state. Am I right?
17 DISTRICT ATTORNEY HERRERA: No. You can approve --
18 COMMISSIONER BAKKER: We got to --
19 DISTRICT ATTORNEY HERRERA: -- the map.
20 COMMISSIONER BAKKER: -- approve the map and the letter.
21 COMMISSIONER CLARK: Approve --
22 DISTRICT ATTORNEY HERRERA: Approve --
23 COMMISSIONER CLARK: -- the map --
24 DISTRICT ATTORNEY HERRERA: -- the map.
25 COMMISSIONER CLARK: -- and the letter. Okay.
26 DISTRICT ATTORNEY HERRERA: Well, you don't need to approve
27 the letter. That -- you need to -- you just need to say, send
28 the letter. The letter's just going to -- to put the map on it.
29 CHAIRMAN MILLS: Approve the map and --
30 DISTRICT ATTORNEY HERRERA: And say --
31 CHAIRMAN MILLS: -- give direction --
32 DISTRICT ATTORNEY HERRERA: -- please --
33 CHAIRMAN MILLS: -- to send a letter.
34 COMMISSIONER CLARK: Okay.
35 DISTRICT ATTORNEY HERRERA: Yeah.
36 COMMISSIONER WAITS: Well, you know, that's interesting
37 because last November we approved you to send the letter.
38 DISTRICT ATTORNEY HERRERA: You -- yeah. But I didn't have
39 a map.
40 COMMISSIONER WAITS: Well, see, then you do want the map in

1 here.

2 COMMISSIONER CLARK: Well, now we --

3 DISTRICT ATTORNEY HERRERA: That's what --

4 COMMISSIONER CLARK: -- do.

5 DISTRICT ATTORNEY HERRERA: -- I said.

6 COMMISSIONER BAKKER: Yeah.

7 COMMISSIONER WAITS: Okay.

8 COMMISSIONER ALLAN: Well, I think --

9 DISTRICT ATTORNEY HERRERA: That's what I've been saying
10 all along. I've been wanting the map since November.

11 COMMISSIONER ALLAN: Approve the map with the noted --

12 COMMISSIONER BAKKER: Uh-huh.

13 COMMISSIONER ALLAN: -- streets.

14 COMMISSIONER BAKKER: Okay. Let me change my motion.

15 I make a motion to approve the all-terrain vehicle, ATV, map
16 and to submit a letter to the State of Nevada with the map and the
17 request the crossing areas of the state highways that are on this
18 list.

19 KEITH WESTENGARD: So all of these --

20 COMMISSIONER BAKKER: All of them.

21 KEITH WESTENGARD: Okay.

22 COMMISSIONER BAKKER: Because what if they send it back and
23 say, "You can't have that road, but you can have this road"? If
24 they respond.

25 COMMISSIONER CLARK: No.

26 COMMISSIONER BAKKER: Not saying they're going to.

27 COMMISSIONER CLARK: Well, I'll second.

28 CHAIRMAN MILLS: Okay.

29 COMMISSIONER ALLAN: Well -- and --

30 CHAIRMAN MILLS: Does that --

31 COMMISSIONER ALLAN: -- not to be argumentative, but our
32 map's already been approved. We're just including the map.

33 COMMISSIONER BAKKER: Right.

34 CHAIRMAN MILLS: Does that -- does that satisfy your needs?
35

36 DISTRICT ATTORNEY HERRERA: No, no. Wait. Wait. Our
37 map -- I -- I didn't catch that.

38 COMMISSIONER ALLAN: He's saying approve the map. This is
39 an --

40 DISTRICT ATTORNEY HERRERA: Oh.

1 COMMISSIONER ALLAN: -- approved --
2 DISTRICT ATTORNEY HERRERA: Okay.
3 COMMISSIONER ALLAN: -- map.
4 COMMISSIONER BAKKER: To --
5 DISTRICT ATTORNEY HERRERA: Approve --
6 COMMISSIONER BAKKER: Well --
7 DISTRICT ATTORNEY HERRERA: -- the intersections.
8 COMMISSIONER ALLAN: He's --
9 DISTRICT ATTORNEY HERRERA: You're right.
10 COMMISSIONER ALLAN: Approve the -- the --
11 COMMISSIONER BAKKER: ATV --
12 COMMISSIONER ALLAN: -- crossings.
13 COMMISSIONER BAKKER: -- map.
14 DISTRICT ATTORNEY HERRERA: Right.
15 COMMISSIONER ALLAN: Include -- you know, include the --
16 DISTRICT ATTORNEY HERRERA: Right.
17 COMMISSIONER ALLAN: -- map --
18 CHAIRMAN MILLS: The list -- the list of crossings.
19 COMMISSIONER ALLAN: -- with the list of --
20 DISTRICT ATTORNEY HERRERA: Of --
21 COMMISSIONER ALLAN: -- requested crossings.
22 DISTRICT ATTORNEY HERRERA: -- of intersections. Yes.
23 CHAIRMAN MILLS: Right.
24 DISTRICT ATTORNEY HERRERA: I see. Thank you.
25 CHAIRMAN MILLS: I believe that's the way it was stated.
26 So that covers your needs?
27 DISTRICT ATTORNEY HERRERA: That covers mine as --
28 COMMISSIONER BAKKER: You good?
29 DISTRICT ATTORNEY HERRERA: Once you --
30 CHAIRMAN MILLS: Okay.
31 DISTRICT ATTORNEY HERRERA: -- approve the intersections,
32 I -- I -- I would have liked to know if any of the Lander County
33 roads are 2477 roads. But we didn't want to go into there, so
34 we won't.
35 COMMISSIONER BAKKER: Okay.
36 CHAIRMAN MILLS: Does that affect our --
37 COMMISSIONER BAKKER: No, it's good.
38 CHAIRMAN MILLS: -- crossings?
39 Okay.
40 DISTRICT ATTORNEY HERRERA: If it --

1 COMMISSIONER ALLAN: These are all recognized county roads.
2 They're not 2477.

3 DISTRICT ATTORNEY HERRERA: Huh?

4 COMMISSIONER ALLAN: This is just dealing with state
5 crossings. This doesn't pertain to --

6 DISTRICT ATTORNEY HERRERA: Oh, they don't come from Lander
7 County roads?

8 COMMISSIONER ALLAN: No.

9 DISTRICT ATTORNEY HERRERA: All across the intersection?

10 COMMISSIONER ALLAN: I say these are --

11 DISTRICT ATTORNEY HERRERA: Excuse me.

12 COMMISSIONER ALLAN: -- approved --

13 DISTRICT ATTORNEY HERRERA: I thought that's --

14 COMMISSIONER ALLAN: -- Lander County roads. They're --
15 they're recognized Lander County roads.

16 COMMISSIONER BAKKER: Right.

17 DISTRICT ATTORNEY HERRERA: Okay.

18 COMMISSIONER ALLAN: It doesn't deal with 2477.

19 CHAIRMAN MILLS: Okay.

20 COMMISSIONER BAKKER: Moving on.

21 COMMISSIONER ALLAN: This is just --

22 DISTRICT ATTORNEY HERRERA: So do you know that?

23 CHAIRMAN MILLS: Yeah.

24 DISTRICT ATTORNEY HERRERA: Because it -- that -- it's
25 only -- it's a question I asked and have not got a response. So
26 I'm glad you gave me the response. Because I've been asking it
27 for a while. I -- I mean no --

28 COMMISSIONER BAKKER: He's being --

29 DISTRICT ATTORNEY HERRERA: -- disrespect.

30 COMMISSIONER BAKKER: He's being --

31 DISTRICT ATTORNEY HERRERA: But I'm --

32 COMMISSIONER BAKKER: -- synchronous.

33 DISTRICT ATTORNEY HERRERA: -- telling you that. But no
34 one's been able to answer that.

35 CHAIRMAN MILLS: Okay. Back on track.

36 So Sean made a motion.

37 COMMISSIONER WAITS: Do you want us to change the
38 wording --

39 COMMISSIONER BAKKER: Oh, --

40 COMMISSIONER WAITS: -- in the letter, --

1 COMMISSIONER BAKKER: -- man.

2 COMMISSIONER WAITS: -- Counselor? Is that what you're
3 asking?

4 DISTRICT ATTORNEY HERRERA: No. I -- I was just wondering
5 if -- if we have to do quiet title or if we have to do a
6 recordation of certain roads.

7 COMMISSIONER BAKKER: Well, we're going to leave that up to
8 the committee.

9 DISTRICT ATTORNEY HERRERA: That we know that beforehand
10 before we allow crossing of the interstate. Because that's what
11 we're doing. Even though we don't have the authority, we're
12 actually doing it.

13 COMMISSIONER BAKKER: Right. That's the idea.

14 DISTRICT ATTORNEY HERRERA: Yeah.

15 COMMISSIONER BAKKER: Okay. I made a motion.

16 CHAIRMAN MILLS: Sean made a motion. Art seconded.

17 COMMISSIONER BAKKER: Okay.

18 CHAIRMAN MILLS: Public comment?

19 (No comment.)

20 CHAIRMAN MILLS: All in favor?

21 COMMISSIONER BAKKER: Aye.

22 COMMISSIONER ALLAN: Aye.

23 COMMISSIONER WAITS: Aye.

24 CHAIRMAN MILLS: Aye.

25 COMMISSIONER CLARK: Aye.

26

27 9) Discussion for possible action regarding the construction of
28 the Battle Mountain levee project, and all other matters
29 properly related thereto.
30

31 CHAIRMAN MILLS: Item 9. Discussion for possible action
32 regarding the construction of the Battle Mountain levee project,
33 and all other matters properly rel- -- related thereto.

34 Come on up.

35 COMMISSIONER ALLAN: Good morning, Tom.

36 TOM GALLAGHER: Good morning.

37 COMMISSIONER BAKKER: Good morning.

38 TOM GALLAGHER: Tom Gallagher, Summit Engineering, here to
39 discuss the levee some more.

40 Keith asked me to bring what we've got. So my intention is

1 to go through this stuff one page at a time and explain to you
2 what everything is.

3 COMMISSIONER ALLAN: Yay.

4 TOM GALLAGHER: We've sent this about three times. Yeah.
5 Keith said he didn't want it now because he has it already.

6 Where we are is the last meeting we talked about New Nevada
7 Lands or whatever they're called now. I don't know what they're
8 called now, --

9 CHAIRMAN MILLS: Yeah.

10 TOM GALLAGHER: -- if they wanted to fund the balance of
11 moving the levee along the highway 500 feet so they'd have a
12 developable strip of land there.

13 We sent them the numbers on that -- I don't know -- four
14 months ago. We have never heard anything back from them.

15 One of the guys called me and said that he was going to talk
16 to Keith. And that was the last I heard.

17 But what we've done -- and pursuant to a question asked by
18 Commissioner Mills -- is we've prepared a going-forward budget on
19 our services clear through the -- clear up to construction.

20 And what -- if -- if you decide to go ahead on your own and
21 build the levee, the thing will be designed and fully approvable
22 by FEMA. All -- every step in the process will be something that
23 FEMA will accept.

24 Okay.

25 I know FEMA -- the last contact I had was running a little
26 short of money after some of the occurrences in the last year.
27 And probably funding for the levee from FEMA would be sometime in
28 the next millennium, probably. Because that -- that's not really
29 going to happen, even if nothing else happens for a long time.

30 So what we've prepared is a budget and a timeline for us to
31 go ahead and just finish it. And the timeline indicates that the
32 thing can be built by November of '19, complete with all the stuff
33 we have to go through.

34 Okay?

35 COMMISSIONER BAKKER: Now, did we send our --

36 TOM GALLAGHER: What --

37 COMMISSIONER BAKKER: -- the permitting for FEMA for to
38 work -- build the levee? Have we done any of that paperwork
39 yet? Or where are we with that? Because we're --

40 TOM GALLAGHER: We --

1 COMMISSIONER BAKKER: -- funding it, not FEMA.
2 TOM GALLAGHER: I understand that.
3 COMMISSIONER BAKKER: Right.
4 TOM GALLAGHER: But what I'm saying is we're building it
5 according to FEMA standards, --
6 COMMISSIONER BAKKER: Right. But they're --
7 TOM GALLAGHER: -- which will allow you to send the
8 paperwork to -- to submit for a -- a CLOMR and ultimately a
9 LOMR, which will revise the map, which will take the greater
10 Battle Mountain area out of the floodplain.
11 COMMISSIONER BAKKER: Before we build, though, we got to
12 get permitting for FEMA; right?
13 TOM GALLAGHER: No. No. As long --
14 CHAIRMAN MILLS: So then --
15 TOM GALLAGHER: -- as we do everything --
16 CHAIRMAN MILLS: That was part of my big question, is the
17 timing.
18 TOM GALLAGHER: We will be working with FEMA to be sure
19 that the thing complies to everything they require. Then when
20 the CLOMR and the LOMR -- or yeah -- the CLOMR and the LOMR are
21 submitted, FEMA will be able to approve it. I mean, we're not
22 trying to get around any of the design, any of the construction
23 methods, testing, everything else. We're just -- what we're
24 doing is we're not asking for funding.
25 CHAIRMAN MILLS: Right.
26 TOM GALLAGHER: But everything else will be the same.
27 CHAIRMAN MILLS: So -- so my -- my question, then, is on --
28 on timing, then, to be clear.
29 We -- we can construct the levee before FEMA tells us
30 anything, --
31 TOM GALLAGHER: Right.
32 CHAIRMAN MILLS: -- and then go to them and say, look, we
33 built a levee. Will you approve it? We don't have to wait for
34 them to give us any sort of approval first.
35 TOM GALLAGHER: No.
36 CHAIRMAN MILLS: So we can just --
37 TOM GALLAGHER: Go ahead.
38 CHAIRMAN MILLS: -- go ahead and go, we're just --
39 TOM GALLAGHER: I mean, the --
40 CHAIRMAN MILLS: -- going to build --

1 TOM GALLAGHER: -- land --
2 CHAIRMAN MILLS: -- it, get the --
3 TOM GALLAGHER: The land --
4 CHAIRMAN MILLS: -- project done, then -- then start the
5 CLOMR, LOMR process.
6 TOM GALLAGHER: Well, we will submit the plans to FEMA --
7 CHAIRMAN MILLS: Okay.
8 TOM GALLAGHER: -- and submit an application for a CLOMR.
9 And then you go ahead and build it. As long as we build it
10 according to all their standards and everything else, then we
11 submit for an actual letter of map revision, which we should
12 have done when I was about 14.
13 COMMISSIONER CLARK: So if we --
14 COMMISSIONER ALLAN: That wasn't that long ago.
15 COMMISSIONER CLARK: -- if we sail through this thing and
16 we get it completed, we send it in to FEMA, and they approve it,
17 it still doesn't give us the X zone to get out of --
18 TOM GALLAGHER: Yes, it does.
19 COMMISSIONER CLARK: -- the flood insurance.
20 TOM GALLAGHER: Yes.
21 COMMISSIONER CLARK: Okay.
22 TOM GALLAGHER: Yes, it does. That's --
23 COMMISSIONER CLARK: Now --
24 TOM GALLAGHER: -- what I'm --
25 COMMISSIONER CLARK: I'm --
26 TOM GALLAGHER: -- saying, that --
27 COMMISSIONER CLARK: Let me finish. When we met with the
28 government people, the --
29 COMMISSIONER WAITS: Corps of Engineers?
30 COMMISSIONER CLARK: -- the Corps of Engineers, --
31 TOM GALLAGHER: Uh-huh.
32 COMMISSIONER CLARK: -- they said it was up to the banks
33 whether or not -- if -- no matter what happens, whether or not
34 they're going to demand that you have flood insurance with their
35 mortgage. It's up to the banks. It's not really --
36 TOM GALLAGHER: Oh, yeah.
37 COMMISSIONER CLARK: Okay.
38 TOM GALLAGHER: It's obviously up to the lenders.
39 COMMISSIONER BAKKER: I mean, I -- I want the project to
40 proceed. And I want it to be a success. But I -- I don't want

1 false hope -- hope out there that, if you have a mortgage, you
2 don't have to have flood insurance anymore. Because that was my
3 concern.

4 TOM GALLAGHER: I certainly can't guarantee what the --

5 COMMISSIONER CLARK: Right.

6 TOM GALLAGHER: -- banks are going to do.

7 COMMISSIONER CLARK: Right.

8 TOM GALLAGHER: They've done some things in the past that I
9 couldn't even fathom.

10 COMMISSIONER CLARK: I just wanted this --

11 TOM GALLAGHER: I couldn't even make it a --

12 COMMISSIONER WAITS: But it does come off the map for the
13 flood map for FEMA.

14 TOM GALLAGHER: Yeah. And the --

15 COMMISSIONER WAITS: So and --

16 TOM GALLAGHER: -- banks and the lenders --

17 COMMISSIONER WAITS: But some --

18 TOM GALLAGHER: -- generally --

19 COMMISSIONER WAITS: -- loan --

20 TOM GALLAGHER: -- use --

21 COMMISSIONER WAITS: -- companies may --

22 COMMISSIONER CLARK: Right.

23 COMMISSIONER WAITS: -- be okay and the other ones may not.

24 TOM GALLAGHER: Right.

25 COMMISSIONER WAITS: So --

26 TOM GALLAGHER: Well, the --

27 COMMISSIONER WAITS: -- we've got a --

28 TOM GALLAGHER: -- the lenders --

29 COMMISSIONER WAITS: -- better chance.

30 TOM GALLAGHER: -- usually use a FEMA map. They don't go
31 out and do their own FEMA study.

32 COMMISSIONER CLARK: Yeah. This was just something that --

33 TOM GALLAGHER: Yeah.

34 COMMISSIONER CLARK: -- stuck in my mind when we --

35 COMMISSIONER WAITS: Yeah.

36 TOM GALLAGHER: Yeah.

37 COMMISSIONER CLARK: -- talked to the Army Corps of
38 Engineers.

39 COMMISSIONER WAITS: Well, they're right, but --

40 TOM GALLAGHER: Well, some of the meetings I had with the

1 Corps of Engineers, they said they'd design it and then go ahead
2 and build it and then ask FEMA if they'd approve it.

3 And at that point they were using even two different models
4 for hydrology, --

5 COMMISSIONER BAKKER: Tom --

6 TOM GALLAGHER: -- which didn't seem like a reasonable idea
7 to me.

8 COMMISSIONER BAKKER: So we need to submit the map and a
9 permit to FEMA before we build?

10 COMMISSIONER CLARK: Uh-uh.

11 TOM GALLAGHER: Yeah, we --

12 COMMISSIONER BAKKER: You just said that. And then a
13 minute ago --

14 TOM GALLAGHER: Yeah.

15 COMMISSIONER BAKKER: -- when I asked, "Do we need to
16 submit a permit before we build?" you said, "No. Go ahead and
17 build it."

18 TOM GALLAGHER: Okay.

19 COMMISSIONER BAKKER: So I'll -- what is it? Do we need to
20 submit --

21 TOM GALLAGHER: The conditional --

22 COMMISSIONER BAKKER: -- something to FEMA first?

23 TOM GALLAGHER: -- letter -- the conditional letter of map
24 revision -- if you want to build it, we will still submit the
25 conditional letter of map revision with the plans. And
26 basically that says, yes, if you do this, we will revise the
27 map. That's basically what a CLOMR is.

28 COMMISSIONER BAKKER: Right.

29 TOM GALLAGHER: And then the LOMR is a letter of map
30 revision, which would be done after that. So at that point
31 you'd have to submit all the testing and inspection data and
32 everything else --

33 COMMISSIONER BAKKER: And we have --

34 TOM GALLAGHER: -- to --

35 COMMISSIONER BAKKER: -- all that all done?

36 TOM GALLAGHER: No.

37 COMMISSIONER WAITS: We do it as we go along.

38 COMMISSIONER BAKKER: Well, what was the --

39 TOM GALLAGHER: We're not done.

40 COMMISSIONER BAKKER: What was the testing you submitted to

1 Corps -- Corps of Engineers that said it was wrong?

2 COMMISSIONER WAITS: They weren't really working with FEMA.
3 They were going to do their whole thing and then send it in to
4 see if it'd be approved.

5 TOM GALLAGHER: The Corps was out of things to do. This is
6 what we sent them.

7 COMMISSIONER BAKKER: Okay.

8 TOM GALLAGHER: Okay?

9 There is more of this that needs to be done due to the fact
10 that we realigned the levee between the freeway and the railroad.
11 And we're talking about -- I haven't got confirmation --
12 realigning the levee along the highway, --

13 COMMISSIONER BAKKER: Right.

14 TOM GALLAGHER: -- moving it back 500 feet. But I'm not
15 sure if that's going to happen or not. We sent the -- the
16 estimated increase in cost, which was for design, redoing the
17 cultural and the geotechnical and that kind of stuff, to New
18 Nevada Lands. It was \$47,000, I think. And they haven't
19 responded.

20 I brought that up at the last -- the last time I was here.

21 CHAIRMAN MILLS: Okay.

22 TOM GALLAGHER: So --

23 BERT RAMOS: So --

24 TOM GALLAGHER: -- you -- you have to decide if you want to
25 move it or if don't want to move it --

26 COMMISSIONER BAKKER: Well, I think at the last meeting we
27 approved moving it --

28 TOM GALLAGHER: But --

29 COMMISSIONER BAKKER: -- back the 500 feet.

30 TOM GALLAGHER: I didn't think you ever got anybody to tell
31 you they would pay for moving it.

32 COMMISSIONER BAKKER: No, but we did make the motion to
33 move it.

34 BERT RAMOS: That was my question. Bert Ramos, for the
35 record.

36 If this realignment is in -- if you've already done that
37 realignment section of it, is that what you're submitting?

38 TOM GALLAGHER: No. Oh, that's what we would submit if --
39 I thought we were waiting for funding from them. So --

40 COMMISSIONER BAKKER: I made the motion to approve the

1 contract and to move the levee back 500 feet, in the minutes.

2 BERT RAMOS: So I guess for the -- is what I would ask is
3 if -- if -- if it's going to \$47,000, then maybe we should have
4 a professional review, which is not uncommon when -- with
5 engineering. One engineering firm does a professional review of
6 another to make sure that your numbers are correct. Because you
7 cannot -- by law, you can't bid out an engineer. But you can do
8 professional reviews. And that's the only way that you can get
9 square numbers to make sure. Because we're -- we're paying for
10 the realignment, which in -- in a sense has already been paid
11 for.

12 COMMISSIONER ALLAN: I would like --

13 TOM GALLAGHER: (Indiscernible.)

14 COMMISSIONER ALLAN: -- to see the minutes first --

15 TOM GALLAGHER: Who paid for it?

16 COMMISSIONER ALLAN: -- as far as if that was approved or
17 not because --

18 TOM GALLAGHER: Who paid for the realignment?

19 COMMISSIONER BAKKER: It was --

20 COMMISSIONER ALLAN: Not -- not doubting you.

21 BERT RAMOS: You're just doing --

22 COMMISSIONER ALLAN: I -- I'd like --

23 BERT RAMOS: -- the geotechnical.

24 COMMISSIONER ALLAN: -- to see --

25 BERT RAMOS: Geotech's the same ground that's just already
26 had the geotech done on it. So it's an additional \$47,000. My
27 understanding on -- so I think that a professional review would
28 just clear there and all -- all areas.

29 TOM GALLAGHER: Let me clarify that. The levee used to
30 follow the existing levee. The levee now goes straight across
31 the county property to put more property of the county's outside
32 the floodplain.

33 Geotechnical was never done for that.

34 The original stuff that was done is cultural, geotechnical,
35 bunnies and bugs and everything, on the original alignment of
36 the levee when we were going to -- and then the Corps took over
37 and did nothing.

38 Okay? So --

39 BERT RAMOS: So maybe --

40 TOM GALLAGHER: But we're --

1 BERT RAMOS: -- I'm confused.

2 TOM GALLAGHER: -- redoing all the geotechnical we've
3 already done. That is incorrect statement.

4 BERT RAMOS: So I'm confused, I guess. So where does the
5 additional \$47,000 come from the realignment? Because the
6 realignment that I'm speaking of is the one with the -- with
7 Land Venture Partners.

8 TOM GALLAGHER: That comes from geotechnical studies in the
9 new alignment from Land Venture Partners. Because we're moving
10 the levee 500 feet. The original alignment, we were
11 parallelling the road, basically, and flows right outside the
12 right-of-way. The new one's 500 feet away from that.

13 And it depends on if you want FEMA approval or not. Or we
14 can assume that everything's the same if we're not going to be
15 able to give them the day that it says that it's -- is -- that
16 it is the same. And specifically in the part where we're moving
17 it between the railroad and the freeway.

18 That's a --

19 BERT RAMOS: So we're --

20 TOM GALLAGHER: -- big move.

21 BERT RAMOS: -- you already paid for the geotechnical on
22 the -- on the previous one? Or not?

23 TOM GALLAGHER: We were paid to do this.

24 BERT RAMOS: So yes or no?

25 TOM GALLAGHER: Yes. We were paid to do this. This is the
26 original levee alignment.

27 BERT RAMOS: So that -- that's where. So if -- if there
28 is, it just seems -- to me it just seems high. And like I say,
29 I don't know. Maybe it's low for the -- but the way to keep
30 everybody, to make sure there is no confusion, is -- is
31 typically, like I say, is --

32 COMMISSIONER ALLAN: So you want to hire another --

33 TOM GALLAGHER: Whatever you --

34 COMMISSIONER ALLAN: -- engineer --

35 TOM GALLAGHER: -- want to do.

36 COMMISSIONER ALLAN: -- to check to make sure that our
37 original engineer, his -- his price that we paid him is okay.

38 BERT RAMOS: Not necessarily to check his prices to make
39 sure it's okay.

40 COMMISSIONER ALLAN: Well, basically --

1 BERT RAMOS: Just making sure --
2 COMMISSIONER ALLAN: -- but -- right. Is hire another
3 engineer to --
4 BERT RAMOS: Keep changing it (indiscernible) --
5 COMMISSIONER ALLAN: -- audit the other engineer at another
6 additional cost to the county.
7 BERT RAMOS: Uh-huh.
8 COMMISSIONER ALLAN: When we haven't had a problem with --
9 BERT RAMOS: Which is not --
10 COMMISSIONER ALLAN: -- with Mr. Gallagher --
11 BERT RAMOS: -- which is not an uncommon --
12 COMMISSIONER ALLAN: -- Gallagher.
13 BERT RAMOS: -- practice, especially when you start
14 involving third and fourth parties, which is what this Land
15 Venture Partner's becoming.
16 COMMISSIONER ALLAN: But we don't even know if Land Venture
17 Partners is assisting in paying for any of this yet. We haven't
18 heard back from them.
19 BERT RAMOS: No. But typically when they're -- they're
20 assisting in paying for the water line that is going out through
21 this and the road and everything else. They're investing a half
22 a million dollars in -- in Lander County to better our county.
23 And they want to make sure they're getting a fair -- fair deal
24 on a -- on a \$47,000 unexpected charge for --
25 TOM GALLAGHER: Have they -- have they contacted you?
26 BERT RAMOS: So --
27 TOM GALLAGHER: Because they certainly haven't contacted
28 me.
29 BERT RAMOS: So in -- in this, it's a -- it's just a good
30 way to keep a good, fair relationship. Yes, I've had contact
31 with Land Venture Partners.
32 TOM GALLAGHER: Okay.
33 COMMISSIONER ALLAN: Then I think that should have been
34 included that, you know, that should have been made aware to the
35 commission. Tom's --
36 COMMISSIONER BAKKER: It was. He's the one --
37 COMMISSIONER ALLAN: -- got --
38 COMMISSIONER BAKKER: -- that brought it before us.
39 COMMISSIONER ALLAN: Well, Tom's got --
40 UNIDENTIFIED PARTICIPANT: Yeah.

1 COMMISSIONER ALLAN: -- a --
2 COMMISSIONER BAKKER: Where --
3 COMMISSIONER ALLAN: -- pretty --
4 COMMISSIONER BAKKER: -- when we --
5 COMMISSIONER ALLAN: -- valid --
6 COMMISSIONER BAKKER: -- approved the --
7 COMMISSIONER ALLAN: -- point.
8 COMMISSIONER BAKKER: -- contract between them, it was Bert
9 the one doing all the negotiations.
10 BERT RAMOS: Yeah. This isn't -- this is nothing -- I'm
11 not bringing anything new to you.
12 DISTRICT ATTORNEY HERRERA: There's nothing --
13 BERT RAMOS: Is what -- the only thing I'm bringing is that
14 at some point this \$47,000, Lander County and -- and these
15 people that we're partnering with as far as putting in the water
16 line and they're giving us a road for our bypass and everything
17 else that goes along through -- through their ground, by the
18 way.
19 We're saying, hey, we want to make sure we're getting a fair
20 shake. And from what we see, we don't feel like we are.
21 So I think the only fair way for the county to say, hey,
22 we're giving you as fair a shake as we can is you do a
23 professional review. And then there's no- -- nothing hid from
24 anybody. There's nobody -- it's just what it is. And -- and
25 we're trying to do a good business with people as transparently
26 as possible.
27 COMMISSIONER ALLAN: Then joint venture on a review.
28 Because that's putting additional cost on the county.
29 BERT RAMOS: And I have no problem with asking them to pay
30 for the -- for the review, whatsoever.
31 TOM GALLAGHER: Well, that's a minor part of the whole
32 going-forward process.
33 COMMISSIONER BAKKER: So Tom --
34 TOM GALLAGHER: But if you want to do that, then feel free.
35 I will give Keith our numbers. And you can do whatever you want
36 with it. Just as long as --
37 CHAIRMAN MILLS: Okay.
38 TOM GALLAGHER: -- it's handled the same way that all the
39 other projects in Lander County are handled and taken out for
40 pertinent individual review.

1 COMMISSIONER BAKKER: You have your numbers, Tom?
2 TOM GALLAGHER: Yep.
3 COMMISSIONER BAKKER: And the paperwork?
4 TOM GALLAGHER: I got all kinds of paperwork.
5 COMMISSIONER BAKKER: Okay.
6 TOM GALLAGHER: I got lots of paperwork.
7 But Keith said he didn't want this paperwork again.
8 COMMISSIONER BAKKER: I'll take it.
9 TOM GALLAGHER: You want it yourself?
10 COMMISSIONER BAKKER: Yes.
11 TOM GALLAGHER: Okay. I'll give it to you.
12 COMMISSIONER CLARK: You are a glutton for punishment, my
13 man.
14 TOM GALLAGHER: And I should probably give this to Keith;
15 right?
16 COMMISSIONER BAKKER: Yeah, just give -- you can just hand
17 it to Keith right now.
18 TOM GALLAGHER: Go put this on top of your pile in your
19 office.
20 KEITH WESTENGARD: Okay. Yeah. I've got it.
21 TOM GALLAGHER: End of the hunt?
22 CHAIRMAN MILLS: So what are we --
23 COMMISSIONER BAKKER: What are we doing?
24 CHAIRMAN MILLS: What are we doing with the levee, then? I
25 mean, it just kind of got weird all of a sudden.
26 TOM GALLAGHER: Kind of what?
27 COMMISSIONER BAKKER: Well, no. Because we need to submit
28 the LOMR -- or for the CLOMR.
29 TOM GALLAGHER: Yeah.
30 COMMISSIONER BAKKER: The map and the --
31 TOM GALLAGHER: That's --
32 COMMISSIONER BAKKER: -- CLOMR.
33 TOM GALLAGHER: That's --
34 COMMISSIONER WAITS: But he will do that.
35 TOM GALLAGHER: This is all in --
36 COMMISSIONER WAITS: We don't need --
37 TOM GALLAGHER: -- these numbers.
38 COMMISSIONER WAITS: -- any motion.
39 CHAIRMAN MILLS: Right.
40 COMMISSIONER BAKKER: Right.

1 TOM GALLAGHER: And if Bert wants to verify those, we'll --
2 COMMISSIONER BAKKER: And then bring --
3 TOM GALLAGHER: -- send him the details.
4 COMMISSIONER BAKKER: -- it back.
5 TOM GALLAGHER: I don't care.
6 CHAIRMAN MILLS: Is that what you want to do is go get
7 those numbers --
8 COMMISSIONER BAKKER: Yeah, we need --
9 CHAIRMAN MILLS: -- for everybody?
10 COMMISSIONER BAKKER: -- to report. But that's what I
11 thought we told Tom to do a long time ago, a year ago when we --
12 when we fired the Corps and told Tom proceed with building the
13 levee.
14 COMMISSIONER WAITS: Yeah.
15 TOM GALLAGHER: With FEMA funding.
16 COMMISSIONER BAKKER: Yeah, well --
17 COMMISSIONER WAITS: Right.
18 COMMISSIONER BAKKER: -- no. We've always planned on
19 funding it ourselves.
20 TOM GALLAGHER: Oh. This is the first time I got a call
21 from Keith saying that Lander County wanted to do the whole
22 thing --
23 COMMISSIONER BAKKER: Well, then it must have been --
24 TOM GALLAGHER: -- themselves.
25 COMMISSIONER BAKKER: -- a misunderstanding between the
26 commission and you. Because it was -- that was the board's --
27 TOM GALLAGHER: Am I incorrect in that, Keith?
28 KEITH WESTENGARD: My understanding was we were going to
29 try to continue with the Corps -- or continue with FEMA. And
30 then you were going to build -- and then --
31 COMMISSIONER BAKKER: Well, we always had to --
32 KEITH WESTENGARD: -- then we decided --
33 COMMISSIONER BAKKER: -- continue with FEMA --
34 KEITH WESTENGARD: -- last time --
35 COMMISSIONER BAKKER: -- because they're going --
36 KEITH WESTENGARD: -- that we --
37 COMMISSIONER BAKKER: -- to have to sign off --
38 KEITH WESTENGARD: -- we were going to --
39 COMMISSIONER BAKKER: -- on it.
40 KEITH WESTENGARD: -- move ahead with it.

1 TOM GALLAGHER: Yeah.
2 COMMISSIONER BAKKER: Yes. We were always going to have to
3 continue with FEMA because they're going to have to sign off on
4 it. But we said move forward with building the levee.
5 TOM GALLAGHER: Well, there was a --
6 KEITH WESTENGARD: On our own.
7 TOM GALLAGHER: -- misunderstanding somewhere there.
8 KEITH WESTENGARD: Yeah.
9 COMMISSIONER BAKKER: Yes. But that was the understanding.
10 I'm --
11 COMMISSIONER WAITS: Well, if there was any chance that --
12 that FEMA would fund any part of it, I think that was still
13 ongoing. But we accepted the responsibility --
14 COMMISSIONER BAKKER: Yes.
15 COMMISSIONER WAITS: -- knowing that they may not. And
16 we -- I thought we asked you to go ahead. So do you --
17 TOM GALLAGHER: Okay.
18 COMMISSIONER WAITS: -- want another motion to clarify
19 something?
20 TOM GALLAGHER: Well, not if we're going to go out and try
21 to find another engineer. No.
22 COMMISSIONER WAITS: Well, we haven't --
23 KEITH WESTENGARD: What we'll --
24 COMMISSIONER WAITS: -- voted on that professional review.
25 KEITH WESTENGARD: It was a motion -- it was the -- we were
26 going to go ahead with the levee. We were going to build the
27 levee.
28 COMMISSIONER WAITS: Right.
29 KEITH WESTENGARD: But then this -- this -- the Land
30 Ventures came into the picture. And we talked about moving it,
31 which would be a -- a change in the design.
32 COMMISSIONER BAKKER: Yeah. But that was only like a month
33 ago.
34 KEITH WESTENGARD: I know. That's what I'm --
35 COMMISSIONER BAKKER: This was a year --
36 KEITH WESTENGARD: -- saying.
37 COMMISSIONER BAKKER: -- ago when we said move forward.
38 TOM GALLAGHER: This was --
39 KEITH WESTENGARD: Right.
40 TOM GALLAGHER: -- when we came --

1 KEITH WESTENGARD: With the --
2 TOM GALLAGHER: -- the deal --
3 KEITH WESTENGARD: -- original --
4 TOM GALLAGHER: -- with four months ago --
5 KEITH WESTENGARD: -- design.
6 TOM GALLAGHER: -- at least.
7 COMMISSIONER BAKKER: Well, I -- it must have been a
8 misunderstanding between the commission and where we were
9 headed. Because it was -- we were getting rid of the Army Corps
10 and just moving forward with building it ourselves.
11 TOM GALLAGHER: Well, I think that was when --
12 COMMISSIONER BAKKER: I think that's why it got a little
13 weird, Doug, is because there's different understandings in the
14 room on where we're moving.
15 TOM GALLAGHER: I think that was when we had -- I can't
16 remember his name -- working with the Corps -- or with FEMA.
17 COMMISSIONER BAKKER: Chelsea?
18 TOM GALLAGHER: No.
19 KEITH WESTENGARD: No. The --
20 TOM GALLAGHER: Max?
21 CHAIRMAN MILLS: She was with Corps.
22 KEITH WESTENGARD: Scott? Or --
23 TOM GALLAGHER: No.
24 COMMISSIONER BAKKER: They change hands pretty fast too.
25 TOM GALLAGHER: You got to --
26 COMMISSIONER BAKKER: So --
27 KEITH WESTENGARD: Yeah. Yeah.
28 TOM GALLAGHER: Anyway. I will leave it in your capable
29 hands.
30 COMMISSIONER WAITS: Well, what do we need to move forward?
31 I mean, we haven't voted on anything else.
32 COMMISSIONER BAKKER: No.
33 COMMISSIONER WAITS: So --
34 TOM GALLAGHER: Well, there's a --
35 COMMISSIONER WAITS: -- you should be --
36 TOM GALLAGHER: -- there's a lot --
37 COMMISSIONER WAITS: -- moving --
38 TOM GALLAGHER: -- left --
39 COMMISSIONER WAITS: -- forward.
40 TOM GALLAGHER: -- to finalize the design. Okay.

1 That's in those budgets along with the time frame.
2 But the \$47,000 --
3 COMMISSIONER BAKKER: So that's the hiccup? What we're
4 going to do with moving it back 500 feet and who's paying for
5 it.
6 TOM GALLAGHER: (Indiscernible.)
7 COMMISSIONER WAITS: But we have to wait for -- for Venture
8 USA or --
9 TOM GALLAGHER: If you want --
10 COMMISSIONER WAITS: -- whatever to -- to come --
11 TOM GALLAGHER: If you want us --
12 COMMISSIONER WAITS: -- tell us.
13 TOM GALLAGHER: -- to go ahead and --
14 COMMISSIONER WAITS: Right?
15 TOM GALLAGHER: -- move it 500 feet and you'll -- you'll
16 pay for it, --
17 CHAIRMAN MILLS: Well --
18 TOM GALLAGHER: -- that's fine.
19 CHAIRMAN MILLS: And that -- that's why. Do -- do we want
20 to pay to move the levee over 500 feet? Or are we going to ask
21 --
22 COMMISSIONER WAITS: Well, we have to wait -- they haven't
23 responded --
24 CHAIRMAN MILLS: -- Land Ventures --
25 COMMISSIONER WAITS: -- to Tom.
26 CHAIRMAN MILLS: -- to do it?
27 COMMISSIONER WAITS: That's where we are.
28 COMMISSIONER ALLAN: Tom.
29 TOM GALLAGHER: No, they haven't responded to me.
30 COMMISSIONER WAITS: So will they respond to Keith? Do we
31 need to find out? I mean, their contract is here and we're
32 referring it. But it doesn't say anything about that, does it?
33 KEITH WESTENGARD: But we --
34 COMMISSIONER ALLAN: Okay.
35 KEITH WESTENGARD: May I ask -- may I ask a quick question.
36 If we were to -- for its design, right now it's designed in its
37 current location.
38 TOM GALLAGHER: Right.
39 KEITH WESTENGARD: If we move it over 500 feet and have it
40 redesigned, we'll have two designs.

1 And we can go with either one at that time.
2 TOM GALLAGHER: Well, the second design involves moving the
3 whole center of the levee, --
4 KEITH WESTENGARD: I'm --
5 TOM GALLAGHER: -- which was a modification made
6 previously, --
7 KEITH WESTENGARD: I'm --
8 TOM GALLAGHER: -- which is in those numbers.
9 KEITH WESTENGARD: Right. But I'm pretty sure that Land
10 Venture wants that 500 feet.
11 So it's -- it's going to go ahead, one way or another, the
12 move over. Because they're going to want that land for commercial
13 development. Right?
14 BERT RAMOS: Well, and I think as part of our discussion at
15 the last meeting was that -- and my understanding at the time
16 was -- moving forward -- was we were going to be saving a
17 minimum of 47,000 or maybe even more by straightening out the
18 levee because it was going to be a shorter distance we were
19 going to have to build.
20 CHAIRMAN MILLS: Well, that's -- that's the section between
21 the freeway and over --
22 TOM GALLAGHER: It's going to be --
23 CHAIRMAN MILLS: -- where Mama's --
24 TOM GALLAGHER: -- two completely --
25 CHAIRMAN MILLS: -- Pizza's at.
26 TOM GALLAGHER: -- different parts.
27 CHAIRMAN MILLS: We're talking about -- part that's moved
28 over 500 feet's the southern part of the levee, isn't it?
29 BERT RAMOS: No, the 500 feet has nothing to do with the
30 Land Venture Partners that I'm -- that I'm talking about.
31 KEITH WESTENGARD: No, they --
32 COMMISSIONER ALLAN: Tom?
33 KEITH WESTENGARD: -- they --
34 CHAIRMAN MILLS: Well, now I'm confused --
35 KEITH WESTENGARD: -- wanted this --
36 CHAIRMAN MILLS: -- even more.
37 TOM GALLAGHER: I don't have any --
38 KEITH WESTENGARD: -- this commercial --
39 TOM GALLAGHER: -- idea what you're talking --
40 KEITH WESTENGARD: -- for commercial development.

1 TOM GALLAGHER: -- about, then.
2 Because the original --
3 BERT RAMOS: Because there's --
4 TOM GALLAGHER: -- line --
5 BERT RAMOS: -- is the -- the 500 or the -- the section of
6 the levee that they would like moved is the section that
7 shortens -- takes the dog leg out of the levee.
8 TOM GALLAGHER: No. That's all county land.
9 CHAIRMAN MILLS: That's all the -- that -- that's the
10 southern --
11 TOM GALLAGHER: That's all --
12 CHAIRMAN MILLS: -- part --
13 TOM GALLAGHER: -- county land.
14 CHAIRMAN MILLS: -- of the --
15 TOM GALLAGHER: Did Land Venture Partners buy that from the
16 county?
17 COMMISSIONER ALLAN: My question is, is what is the --
18 excluding the 47,000 for the revisions on the -- the plan
19 detail, what's the cost difference between the original plan and
20 moving it 500 feet?
21 TOM GALLAGHER: The construction cost is going to be very
22 minimal.
23 COMMISSIONER ALLAN: Okay. So --
24 TOM GALLAGHER: Construction cost difference.
25 We're talking about this piece down here, Bert, right here.
26 This is what Land Ventures came and talked to me about. The
27 major realignment was done here to take this portion of the levee,
28 to get away from Corps' jurisdiction and put this piece of land of
29 the county's, --
30 KEITH WESTENGARD: Any of the encroached- --
31 TOM GALLAGHER: -- protect --
32 KEITH WESTENGARD: -- -on --
33 TOM GALLAGHER: -- it from --
34 KEITH WESTENGARD: -- houses --
35 TOM GALLAGHER: -- the flood.
36 KEITH WESTENGARD: -- right there too.
37 TOM GALLAGHER: Yeah. They were hitting houses.
38 KEITH WESTENGARD: Hitting houses.
39 TOM GALLAGHER: And Corps was saying we were going to have
40 to move houses.

1 BERT RAMOS: Right.
2 TOM GALLAGHER: So we're talking two completely different
3 things. Because I don't think Land Venture Partners has any
4 interest in this land that the county owns right here.
5 KEITH WESTENGARD: It's right here, isn't it?
6 BERT RAMOS: Yeah. There's portion somewhere here that's
7 --
8 TOM GALLAGHER: Yeah. They're right beside the --
9 CHAIRMAN MILLS: Right.
10 TOM GALLAGHER: -- road.
11 CHAIRMAN MILLS: That's the southern --
12 TOM GALLAGHER: Right beside the --
13 CHAIRMAN MILLS: That's the southern --
14 TOM GALLAGHER: -- road.
15 CHAIRMAN MILLS: -- portion of the --
16 TOM GALLAGHER: That's going to --
17 CHAIRMAN MILLS: -- levee --
18 TOM GALLAGHER: -- (indiscernible).
19 CHAIRMAN MILLS: -- we have --
20 KEITH WESTENGARD: So it's going to move --
21 TOM GALLAGHER: It's going to move --
22 CHAIRMAN MILLS: -- to talk --
23 TOM GALLAGHER: -- 500 feet --
24 KEITH WESTENGARD: -- this --
25 CHAIRMAN MILLS: -- about.
26 TOM GALLAGHER: -- over.
27 COMMISSIONER BAKKER: They're both --
28 KEITH WESTENGARD: This --
29 COMMISSIONER BAKKER: -- talking at --
30 KEITH WESTENGARD: -- would not go --
31 COMMISSIONER BAKKER: -- the same --
32 BERT RAMOS: And that moves this --
33 COMMISSIONER BAKKER: -- time.
34 BERT RAMOS: -- out. Right?
35 CHAIRMAN MILLS: Yeah.
36 KEITH WESTENGARD: Makes it --
37 BERT RAMOS: Take --
38 KEITH WESTENGARD: -- straight.
39 BERT RAMOS: -- that dog leg.
40 So now this goes like this; correct?

1 TOM GALLAGHER: No, we have to hit the -- we have to hit
2 that freeway structure.
3 BERT RAMOS: Yes. No, I'm not taking --
4 TOM GALLAGHER: (Indiscernible.)
5 BERT RAMOS: -- it off the --
6 TOM GALLAGHER: (Indiscernible.)
7 BERT RAMOS: -- freeway.
8 TOM GALLAGHER: Way over the top of it. It's going to make
9 a very minimal --
10 BERT RAMOS: Like this.
11 TOM GALLAGHER: -- amount of difference in that.
12 Yeah. Right there. That's where we're proposing.
13 BERT RAMOS: Yeah, but it's like this. And it takes that
14 dog leg out; correct?
15 TOM GALLAGHER: No. We have to straighten this coming out
16 from under the freeway.
17 BERT RAMOS: I can see that.
18 TOM GALLAGHER: Okay.
19 BERT RAMOS: Does that help?
20 TOM GALLAGHER: Well, I can get my --
21 BERT RAMOS: Is that not the --
22 TOM GALLAGHER: I can get my design guys to come and sit
23 down with Bert if he'd like to so they can show them exactly
24 what we're talking about.
25 COMMISSIONER BAKKER: So...
26 TOM GALLAGHER: I don't know.
27 CHAIRMAN MILLS: So I think we're o- -- we're okay.
28 COMMISSIONER BAKKER: We're okay.
29 CHAIRMAN MILLS: So the deal is, to move that levee over
30 500 feet, it requires new studies on -- because it's 500 feet
31 from where it's at.
32 It costs money to do the new survey on that piece of
33 property. The question is: Does the county want to pay for that?
34 Or are we going to continue to go after Land Ventures to pay for
35 that change in --
36 COMMISSIONER BAKKER: Well, county has to pay --
37 CHAIRMAN MILLS: -- design?
38 COMMISSIONER BAKKER: -- for the up-front costs right now.
39 And then Bert can negotiate with Land Ventures if they want to
40 pay.

1 But the other thing you got to look at is they're building
2 an industrial park out there. The tax revenue you're going to
3 get off that's going to well oversee the 47,000 --

4 CHAIRMAN MILLS: Right.

5 COMMISSIONER BAKKER: -- we would be to --

6 CHAIRMAN MILLS: So we can just --

7 COMMISSIONER BAKKER: -- move the levee to give them more
8 property.

9 CHAIRMAN MILLS: We can sit here and wait again for them to
10 respond and all this stuff. Or -- or we can say, we'll -- we'll
11 pay for the redesign, moving it over 500 feet, and move forward
12 and get the thing done.

13 COMMISSIONER ALLAN: And then good luck trying to get any
14 money out of them, because they're going to say, well, you're --

15 CHAIRMAN MILLS: Well --

16 COMMISSIONER ALLAN: -- doing it --

17 COMMISSIONER BAKKER: You're still going to --

18 COMMISSIONER ALLAN: -- anyway.

19 COMMISSIONER BAKKER: -- get it back.

20 CHAIRMAN MILLS: We'll get it in tax revenue --

21 COMMISSIONER ALLAN: Possibly.

22 CHAIRMAN MILLS: -- eventually.

23 COMMISSIONER ALLAN: Maybe --

24 TOM GALLAGHER: That's --

25 COMMISSIONER ALLAN: -- eventually.

26 COMMISSIONER CLARK: Bert?

27 TOM GALLAGHER: That's way beyond my pay scale.

28 CHAIRMAN MILLS: Right. So what's -- what do we want to
29 do?

30 COMMISSIONER BAKKER: Move forward. I -- but I -- I
31 thought I already -- we already discussed moving forward.

32 COMMISSIONER CLARK: Bert?

33 CHAIRMAN MILLS: Well, --

34 COMMISSIONER BAKKER: But not to go back --

35 CHAIRMAN MILLS: -- we never --

36 COMMISSIONER BAKKER: -- to that bone.

37 CHAIRMAN MILLS: We did --

38 COMMISSIONER BAKKER: Let's just move forward.

39 CHAIRMAN MILLS: -- we did discuss that. We approved
40 moving it over 500 feet, but we never discussed who was going

1 to --
2 COMMISSIONER BAKKER: Who was going to --
3 CHAIRMAN MILLS: -- pay --
4 COMMISSIONER BAKKER: -- pay for it.
5 CHAIRMAN MILLS: -- for the additional engineering cost to
6 move it over. So are we going to pay the additional moving cost
7 to move it over? Or are we going to ask Nevada Lands to do it?
8 COMMISSIONER CLARK: Bert?
9 COMMISSIONER BAKKER: I say since they're already putting
10 in the infrastructure and half a million dollars, the county
11 foots the bill.
12 UNIDENTIFIED PARTICIPANT: I don't think he hears you, Art.
13 COMMISSIONER CLARK: Bert?
14 CHAIRMAN MILLS: Some --
15 COMMISSIONER CLARK: Are these -- are these people that
16 you're dealing with, are they reasonable?
17 BERT RAMOS: Oh, yeah.
18 COMMISSIONER CLARK: So if we go ahead and move forward
19 with this, you'll still be able to talk to them about recoup?
20 BERT RAMOS: Oh, I believe so.
21 COMMISSIONER CLARK: Okay.
22 BERT RAMOS: It's a big benefit to them because it --
23 COMMISSIONER CLARK: Yeah.
24 BERT RAMOS: -- it makes their -- it -- it -- and -- and to
25 Lander County, like Sean said, because it --
26 CHAIRMAN MILLS: It does.
27 BERT RAMOS: -- it makes some of their commercial land
28 actually --
29 CHAIRMAN MILLS: And --
30 BERT RAMOS: -- or industrial land --
31 CHAIRMAN MILLS: And the big thing --
32 BERT RAMOS: -- usable.
33 CHAIRMAN MILLS: -- is we build the levee that protects our
34 community.
35 COMMISSIONER CLARK: Yeah.
36 CHAIRMAN MILLS: That's the nuts and bolts of the whole
37 thing right there.
38 COMMISSIONER CLARK: Yeah.
39 CHAIRMAN MILLS: And instead of waiting another 20 years to
40 do it, we'll get it done.

1 BERT RAMOS: So would you guys like me to move forward with
2 the professional review or not?

3 CHAIRMAN MILLS: I'm thinking no. Let's -- let's --
4 we'll -- we'll agree to pay for the new engineering costs.
5 We'll move it over 500 feet. We'll proceed. And we'll -- let's
6 get this levee designed and built. That's my take.

7 COMMISSIONER BAKKER: I -- we had already approved that in
8 the -- well, besides the paying amount, I guess.

9 CHAIRMAN MILLS: We paid -- we've got them -- we've got
10 to --

11 COMMISSIONER BAKKER: Okay.

12 CHAIRMAN MILLS: -- decide who's going to pay.

13 COMMISSIONER BAKKER: Patsy, are you good with that?
14 Art?

15 COMMISSIONER CLARK: I'm -- I'm fine. Let's get it done.
16 We --

17 COMMISSIONER BAKKER: Okay.

18 COMMISSIONER CLARK: We have money to do things right now.
19 Twenty years from now, if it's going to be that long to -- to
20 get it done or ten years from now, we don't know what's going to
21 happen. So I think that we need to build our infrastructure and
22 build it well.

23 COMMISSIONER WAITS: No, we need to move ahead --

24 COMMISSIONER BAKKER: Okay.

25 COMMISSIONER WAITS: -- now.

26 COMMISSIONER BAKKER: Okay. I'll make a motion to approve
27 moving forward with the levee, moving the redesign costs of the
28 47,000 -- 48,000 that the county will take care of.

29 TOM GALLAGHER: And then we'll continue with the design
30 we're doing now.

31 COMMISSIONER BAKKER: Yes.

32 TOM GALLAGHER: Okay.

33 COMMISSIONER ALLAN: Sean, I wouldn't put a dollar amount.

34 TOM GALLAGHER: I've given that to Keith on the --

35 COMMISSIONER ALLAN: Unless he's got a specific --

36 TOM GALLAGHER: -- on the whole --

37 COMMISSIONER ALLAN: -- not to --

38 TOM GALLAGHER: -- thing.

39 COMMISSIONER ALLAN: -- exceed.

40 TOM GALLAGHER: And it busts out the 47,000.

1 COMMISSIONER CLARK: Second.
2 KEITH WESTENGARD: Yes. And change.
3 COMMISSIONER BAKKER: 48,000. (Indiscernible.)
4 COMMISSIONER WAITS: You said 47-, 48.
5 COMMISSIONER BAKKER: Yeah.
6 TOM GALLAGHER: Here's your points back.
7 KEITH WESTENGARD: (Indiscernible.)
8 TOM GALLAGHER: (Indiscernible.)
9 COMMISSIONER BAKKER: Okay.
10 COMMISSIONER CLARK: Thanks, Tom.
11 CHAIRMAN MILLS: Okay.
12 TOM GALLAGHER: Thank you.
13 CHAIRMAN MILLS: Is your -- is your motion what you want
14 your motion to be?
15 COMMISSIONER BAKKER: Yeah, --
16 TOM GALLAGHER: Yeah.
17 COMMISSIONER BAKKER: -- move forward.
18 CHAIRMAN MILLS: Okay. Because --
19 DISTRICT ATTORNEY HERRERA: Up to 48,000.
20 CHAIRMAN MILLS: -- Judie was making a recommendation.
21 KEITH WESTENGARD: We (indiscernible).
22 DISTRICT ATTORNEY HERRERA: Huh?
23 KEITH WESTENGARD: Forty-seven.
24 COMMISSIONER BAKKER: It was 47.
25 DISTRICT ATTORNEY HERRERA: Up to --
26 COMMISSIONER BAKKER: I said 47-, 48-.
27 KEITH WESTENGARD: Up to forty --
28 COMMISSIONER WAITS: He said 47- to 48-.
29 CHAIRMAN MILLS: Okay.
30 DISTRICT ATTORNEY HERRERA: It was 47- --
31 COMMISSIONER ALLAN: Do you want to say "not to --
32 DISTRICT ATTORNEY HERRERA: -- -something.
33 COMMISSIONER ALLAN: -- exceed," though? Do you want to
34 put a limit on that?
35 CHAIRMAN MILLS: for the new engineering fees?
36 COMMISSIONER BAKKER: Not to exceed 48,000.
37 CHAIRMAN MILLS: Okay.
38
39 (Indiscernible simultaneous conversations.)
40

1 CHAIRMAN MILLS: Sean made a motion. Art seconded.
2 Do we have any --
3
4 (Indiscernible simultaneous conversations.)
5
6 CHAIRMAN MILLS: -- public comment?
7
8 (Indiscernible simultaneous conversations.)
9
10 COUNTY CLERK SULLIVAN: I have a question.
11
12 (Indiscernible simultaneous conversations.)
13
14 COMMISSIONER BAKKER: Oh, boy.
15 COUNTY CLERK SULLIVAN: It's not long. Now, come on, Sean.
16
17 (Indiscernible simultaneous conversations.)
18
19 COUNTY CLERK SULLIVAN: Do we need a copy for you guys for
20 all of the packets, legally?
21 DISTRICT ATTORNEY HERRERA: And it should be --
22 COUNTY CLERK SULLIVAN: And for (indiscernible) --
23 DISTRICT ATTORNEY HERRERA: -- up to 47- --
24 COUNTY CLERK SULLIVAN: -- on those amounts so one doesn't
25 get lost -- it doesn't get lost somewhere or -- because it was
26 handouts during the meeting. So I'm just asking if we need
27 copies of those.
28 COMMISSIONER ALLAN: I would like --
29 CHAIRMAN MILLS: Of just --
30 COMMISSIONER ALLAN: -- one.
31 CHAIRMAN MILLS: -- the amounts? You don't want copies of
32 all the maps and all the --
33 COUNTY CLERK SULLIVAN: It's whatever you guys recommend.
34 I'm just saying when you go to research it in two years, five
35 years, ten years, we just want to make sure it's readily
36 available.
37 COMMISSIONER BAKKER: So make copies.
38 COUNTY CLERK SULLIVAN: I'm just asking.
39 DISTRICT ATTORNEY HERRERA: Well, it -- it wasn't -- Sadie,
40 it's not backup.

1 COUNTY CLERK SULLIVAN: It was passed out during the
2 meeting.
3 DISTRICT ATTORNEY HERRERA: We're -- it's not backup.
4 COUNTY CLERK SULLIVAN: So all I'm doing is asking if --
5 COMMISSIONER BAKKER: She wants copies, --
6 COUNTY CLERK SULLIVAN: -- I'm just --
7 COMMISSIONER BAKKER: -- is all she's asking.
8 COUNTY CLERK SULLIVAN: -- asking.
9 DISTRICT ATTORNEY HERRERA: No, I understand.
10 COUNTY CLERK SULLIVAN: No, I don't care.
11 COMMISSIONER BAKKER: That's fine.
12 DISTRICT ATTORNEY HERRERA: There's no --
13 COUNTY CLERK SULLIVAN: It's up to --
14 DISTRICT ATTORNEY HERRERA: -- no, that's --
15 COUNTY CLERK SULLIVAN: -- you guys.
16 DISTRICT ATTORNEY HERRERA: -- fine. If -- if she wants to
17 put it in the -- but I'm just saying, legally, it's not backup.
18 COUNTY CLERK SULLIVAN: Right.
19 DISTRICT ATTORNEY HERRERA: So --
20 COUNTY CLERK SULLIVAN: That's what my question was.
21 Legally, did we need it in the packet?
22 DISTRICT ATTORNEY HERRERA: No. Legally, we don't. But --
23 but you --
24 COUNTY CLERK SULLIVAN: Okay.
25 DISTRICT ATTORNEY HERRERA: -- certainly have some good
26 arguments to -- to put it somewhere.
27 COUNTY CLERK SULLIVAN: Yeah. So when you guys come back
28 and want it, it's in a location.
29 COMMISSIONER BAKKER: Safe place?
30 COUNTY CLERK SULLIVAN: Another place.
31 COMMISSIONER BAKKER: Thank you, Sadie.
32 COUNTY CLERK SULLIVAN: Just asking.
33 COMMISSIONER ALLAN: I would maybe recommend one copy for
34 the clerk's office.
35 COMMISSIONER BAKKER: Okay.
36 CHAIRMAN MILLS: Okay. Other public comment?
37 (No comment.)
38 CHAIRMAN MILLS: All in favor?
39 COMMISSIONER BAKKER: Aye.
40 CHAIRMAN MILLS: Aye.

1 COMMISSIONER WAITS: Aye.
2 COMMISSIONER ALLAN: Aye.
3 COMMISSIONER CLARK: Aye.
4 CHAIRMAN MILLS: Okay.
5 KEITH WESTENGARD: Up to 47,000; right?
6 That's what you said.
7 COMMISSIONER ALLAN: Eight.
8 COMMISSIONER BAKKER: Forty-eight.
9 COUNTY CLERK SULLIVAN: Forty-seven, forty-eight.
10 CHAIRMAN MILLS: Forty-eight.
11 COMMISSIONER CLARK: Forty-eight.
12 KEITH WESTENGARD: Forty-eight.
13 COMMISSIONER CLARK: Maximum 48-.
14 KEITH WESTENGARD: Okay.
15 CHAIRMAN MILLS: Up to.

17 10) Discussion for possible action to approve/disapprove
18 Resolution 2018-01 which adds an alternate to the Austin
19 Airport Advisory Board committee, and all other matters
20 properly related thereto.
21

22 CHAIRMAN MILLS: Item 10. Discussion for possible action
23 to approve/disapprove Resolution 2018-01 which adds an alternate
24 to the Austin Airport Advisory Board committee, and all other
25 matters properly related thereto.

26 COMMISSIONER WAITS: I make a motion we approve Resolution
27 Number 2018-01 of the Board of Lander County Commissioners, a
28 resolution to add an alternative member on the Austin Airport
29 Advisory Board.

30 Whereas Lander County has the authority to establish the
31 number of members on an advisory board and may appoint up to
32 three alternates to each advisory board pursuant to LCC
33 1.08.070(B); and whereas Lander County finds it desirable and in
34 the best interests of Lander County to add an alternate member
35 on the Austin Airport Advisory Board; now, therefore be it
36 resolved, that the Board of County Commissioners hereby add an
37 alternate to the Austin Airport Advisory Board and immediately
38 bestow upon said alternate all the rights and voting authority
39 that goes with the position. And be it further resolved that
40 the new member shall be appointed for a two-year term expiring

1 on June 30, 2019, and subsequent appointments shall be for
2 two-year terms.

3 And I authorize the chair to sign.

4 COMMISSIONER BAKKER: Second.

5 COMMISSIONER ALLAN: Second.

6 COMMISSIONER BAKKER: Oh.

7 CHAIRMAN MILLS: Patsy made a motion. Judie seconded.
8 Do we have any public comment?

9 COUNTY CLERK SULLIVAN: Me again. Sadie Sullivan, for the
10 record.

11 Is this something that we need to change moving forward
12 with an ordinance amending? Or are we good? We're okay?

13 DISTRICT ATTORNEY HERRERA: No, we don't have to amend the
14 ordinance. The -- the ordinance on this one was just in
15 general.

16 COUNTY CLERK SULLIVAN: Okay. So we're safe.

17 DISTRICT ATTORNEY HERRERA: We're allowed so many advisory.
18 And then there's one paragraph that -- well, I quote it right
19 there.

20 COUNTY CLERK SULLIVAN: Okay.

21 DISTRICT ATTORNEY HERRERA: So we can change the alternates
22 whenever we want --

23 COUNTY CLERK SULLIVAN: Okay.

24 DISTRICT ATTORNEY HERRERA: -- without -- without affecting
25 the --

26 COUNTY CLERK SULLIVAN: Okay. Thank you.

27 CHAIRMAN MILLS: Okay. Other public comment?

28 (No comment.)

29 CHAIRMAN MILLS: All in favor?

30 COMMISSIONER BAKKER: Aye.

31 COMMISSIONER ALLAN: Aye.

32 CHAIRMAN MILLS: Aye.

33 COMMISSIONER WAITS: Aye.

34 COMMISSIONER CLARK: Aye.

35 COMMISSIONER WAITS: Okay. So we can advertise that;
36 right? Like ASAP?

37 KEITH WESTENGARD: It'll be out --

38 COMMISSIONER BAKKER: Wednesday.

39 KEITH WESTENGARD: Maybe, maybe not. If we have until noon
40 so...

1 COMMISSIONER WAITS: Next week?
2 KEITH WESTENGARD: No, noon today to get it out in next
3 week's paper.
4 COMMISSIONER WAITS: Great.
5 KEITH WESTENGARD: So...
6 COMMISSIONER WAITS: Thank you.
7 KEITH WESTENGARD: But I don't know if we can get it to
8 them by noon today.
9 COMMISSIONER WAITS: Okay.
10 KEITH WESTENGARD: So if not, it will be in the following
11 week's paper.
12 COMMISSIONER BAKKER: Okay.
13
14

15 **ASSESSOR**
16

17 **11) Discussion for possible action regarding a request from the**
18 **Lander County assessor to move the business license program**
19 **to the planning coordinator, and all other matters properly**
20 **related thereto.**
21

22 CHAIRMAN MILLS: Item 11. Discussion for possible action
23 regarding a request from the Lander County assessor to move the
24 business license program to the planning coordinator, and all
25 other matters properly related thereto.

26 LURA DUVALL: Lura Duvall, assessor, for the record.

27 I've been dis- -- I don't know if you read the agenda item.
28 Originally the business license issuance and the program was
29 through the Planning Department.

30 Then the county restructured and we had an economic
31 development director. At which time the position then went to
32 handle the business license. So I had agreed to take it on.

33 Since then it's been restructured again, and now we have a
34 planning coordinator and she has agreed to take it back. So
35 basically I'm just asking it to move back to where it originally
36 was.

37 ADS said they would modify the program -- pretty basic --
38 to put it on her menu so that she can handle it. We will do the
39 training with her for that.

40 And then in the new system that we'll be getting through

1 DevNet, it's already built into the Planning Department.

2 We were going to have to pay them to write a new program.
3 They weren't even sure how they were going to go about it
4 because it's not part of an assessor program. But they said
5 that they would look into it. But there was really not a
6 guarantee that they could do that. So we wasn't sure how we
7 were going to implement it when we migrate to the new system
8 next year. It's already built into the planning -- the
9 building, planning system in their program. So that would be a
10 much easier migration when we do go to that point in time next
11 December.

12 So I'm just asking that this be moved back to the Planning
13 Department.

14 And in the interim the ADS program is already in place.

15 And then the training would come into place when DevNet
16 starts doing the migration.

17 But it -- it needs to be moved there first so that when
18 they go to do the migration, it's -- like I said, it's -- it'll
19 be a different program. But we're all going to have different
20 programs, as you know.

21 And then, of course, the ordinances would have to be
22 updated. They already needed to be updated --

23 DISTRICT ATTORNEY HERRERA: We have.

24 LURA DUVAL: -- before.

25 DISTRICT ATTORNEY HERRERA: They have been updated. They
26 were -- they were changed from -- from an ordinance-amended
27 chapter -- three chapters of the Lander County code to obtain
28 business license from the Lander County Assessor's Office
29 instead of the Lander County Community Development Department.

30 We just have to switch them back.

31 LURA DUVAL: But we don't have a community development
32 department. It's now a planning department.

33 DISTRICT ATTORNEY HERRERA: It doesn't really matter, --

34 LURA DUVAL: Doesn't matter?

35 DISTRICT ATTORNEY HERRERA: -- does it? It's got to be
36 switched back.

37 LURA DUVAL: Right. That's what I was asking.

38 DISTRICT ATTORNEY HERRERA: Yes.

39 LURA DUVAL: So the ordinance would have to be --

40 DISTRICT ATTORNEY HERRERA: Because it was switched once --

1 LURA DUVALL: Right.
2 DISTRICT ATTORNEY HERRERA: -- from that department to your
3 department -- or from your department to --
4 LURA DUVALL: Right.
5 DISTRICT ATTORNEY HERRERA: -- that department.
6 LURA DUVALL: Okay.
7 DISTRICT ATTORNEY HERRERA: Now there's one, --
8 LURA DUVALL: Just flip it back.
9 DISTRICT ATTORNEY HERRERA: -- two, three, four, five, --
10 COUNTY CLERK SULLIVAN: But your concern, --
11 DISTRICT ATTORNEY HERRERA: -- six --
12 COUNTY CLERK SULLIVAN: -- Lura --
13 DISTRICT ATTORNEY HERRERA: -- seven --
14 COUNTY CLERK SULLIVAN: -- Sadie Sullivan, for the --
15 DISTRICT ATTORNEY HERRERA: -- eight --
16 COUNTY CLERK SULLIVAN: -- record -- is --
17 DISTRICT ATTORNEY HERRERA: -- nine --
18 COUNTY CLERK SULLIVAN: -- the title name? Is that what
19 you're referring to?
20 DISTRICT ATTORNEY HERRERA: Thirteen. We've got 13
21 changes.
22 LURA DUVALL: Okay.
23 CHAIRMAN MILLS: Okay.
24 COMMISSIONER WAITS: I like the idea that the program's
25 already installed. And if that's planning and you didn't even
26 know if you could get it on yours -- which would be an extra
27 cost, I mean, that -- what I'm understanding?
28 LURA DUVALL: Okay. It's --
29 COMMISSIONER WAITS: But --
30 LURA DUVALL: -- currently on the ADS system.
31 COMMISSIONER WAITS: Right. That, I know.
32 LURA DUVALL: But that's all going away.
33 COMMISSIONER WAITS: Right.
34 LURA DUVALL: In the DevNet -- when we went -- when the --
35 part of the reason this came up is because in the discussions
36 with the DevNet going forward and all the programming they're
37 doing for the assess- -- for the 13 assessors in the state of
38 Nevada, this is not part of that.
39 COMMISSIONER WAITS: I know. I --
40 LURA DUVALL: And --

1 COMMISSIONER WAITS: -- understand.
2 LURA DUVALL: -- because there's nothing that does it
3 that's in the assessor's office. So they were going to have to
4 --
5 COMMISSIONER WAITS: Create --
6 LURA DUVALL: -- build --
7 COMMISSIONER WAITS: -- something --
8 LURA DUVALL: -- some kind of --
9 COMMISSIONER WAITS: -- and a --
10 LURA DUVALL: -- a program.
11 COMMISSIONER WAITS: -- lot more money and --
12 LURA DUVALL: And they didn't even want to talk about it
13 right now because they're so busy with, you know, the
14 assessor/treasurer --
15 COMMISSIONER WAITS: Okay.
16 LURA DUVALL: -- system.
17 COMMISSIONER WAITS: No, I -- I understand all that. My --
18 my concern is that I've got one person over here in Planning
19 doing this along with her other things. And what I'm wondering
20 is whether -- the thing I liked about it in your office is you
21 can cross-train. So if somebody wasn't there or left quickly or
22 moved up or whatever.
23 LURA DUVALL: Right.
24 COMMISSIONER WAITS: And I'm wondering --
25 LURA DUVALL: That's true.
26 COMMISSIONER WAITS: -- whether we can at least do
27 something like that. Can you have somebody in your office maybe
28 help in some way?
29 LURA DUVALL: Uh-huh. Yes.
30 COMMISSIONER WAITS: Or a- -- assist with that?
31 LURA DUVALL: We have --
32 COMMISSIONER WAITS: You said you're going to do the
33 training.
34 LURA DUVALL: Uh-huh.
35 COMMISSIONER WAITS: But I -- I like the idea of
36 cross-training. And it really bothers me if something will come
37 up in the middle and Kyla would get ill or she took another
38 position or something. And we're going, oh, my goodness.
39 So that's one of the reasons I like the assessor's office
40 when we moved it over.

1 LURA DUVALL: That's a very valid point. And all three of
2 my staff members can do the business license program.

3 I don't know how to answer that, because you're right. We
4 know there's just one person in that position in the Planning
5 Department.

6 Ted, maybe you can answer this. If that person weren't
7 available and we had to step in and assist with it, would that be
8 an issue? Or --

9 COMMISSIONER WAITS: I'm just --

10 LURA DUVALL: -- what's your --

11 COMMISSIONER WAITS: -- asking, --

12 LURA DUVALL: -- thoughts?

13 COMMISSIONER WAITS: -- since we're looking at it to change
14 it over, could you have one of your folks cross-train with Kyla
15 when they are doing that?

16 DISTRICT ATTORNEY HERRERA: I -- I don't think it would be
17 a legal issue. Do -- are you -- are you aware of anything? I
18 mean, on business license?

19 No, it -- that's governed by the ordinance. And there's
20 nothing in the ordinance that prohibits that.

21 LURA DUVALL: That says if she's gone for two weeks
22 somebody needs -- that we would just cover it?

23 DISTRICT ATTORNEY HERRERA: Yeah.

24 LURA DUVALL: Continue to cover it? Because --

25 DISTRICT ATTORNEY HERRERA: I don't think there's
26 anything --

27 LURA DUVALL: -- they're already --

28 DISTRICT ATTORNEY HERRERA: -- wrong with that.

29 LURA DUVALL: -- trained? Is that what you're asking?

30 COMMISSIONER WAITS: Yes.

31 LURA DUVALL: That we have a backup plan that if somebody's
32 not available or --

33 COMMISSIONER WAITS: Yes. That you just have someone --

34 LURA DUVALL: Okay.

35 COMMISSIONER WAITS: -- from your office cross-train over
36 to help Kyla. Because there's just --

37 LURA DUVALL: Right.

38 COMMISSIONER WAITS: -- one in her department.

39 LURA DUVALL: I'm fine with that.

40 COMMISSIONER WAITS: Okay.

1 LURA DUVALL: I'm completely fine with that. Yeah.
2 I wouldn't want to just leave people out there hanging.
3 Business license is kind of important. So yeah.
4 COMMISSIONER WAITS: Yes. Yes.
5 LURA DUVALL: Somebody were gone, ill, on extended leave or
6 something or on vacation and people come in, definitely somebody
7 needs to cover that. And we don't have a problem --
8 COMMISSIONER WAITS: Okay.
9 LURA DUVALL: -- assisting with that. I'm fine with that.
10 COMMISSIONER WAITS: Okay. Thank you.
11 LURA DUVALL: Any other questions?
12 COMMISSIONER ALLAN: I'll make a motion that we transfer
13 the business license program from the Lander County assessor to
14 the planning coordinator and adjust the ordinance to reflect the
15 change.
16 COMMISSIONER BAKKER: Second.
17 CHAIRMAN MILLS: Judie made a motion. Sean seconded.
18 Do we have any public comment?
19 (No comment.)
20 CHAIRMAN MILLS: All in favor?
21 COMMISSIONER ALLAN: Aye.
22 COMMISSIONER BAKKER: Aye.
23 CHAIRMAN MILLS: Aye.
24 COMMISSIONER WAITS: Aye.
25 COMMISSIONER CLARK: Aye.
26 LURA DUVALL: Thank you.
27 COMMISSIONER CLARK: Aye.
28 COMMISSIONER BAKKER: Thank you.
29 CHAIRMAN MILLS: Like to take a five-minute break.
30
31 (Break taken between 11:29 a.m. to 11:37 a.m.)
32
33 CHAIRMAN MILLS: And for our next item of business, we're
34 going to go into a litigation session. So we'll meet --
35 COMMISSIONER CLARK: Oh.
36 CHAIRMAN MILLS: -- in --
37 COMMISSIONER CLARK: Okay.
38 CHAIRMAN MILLS: -- Keith's office. Is that --
39 KEITH WESTENGARD: I -- I --
40 CHAIRMAN MILLS: Or do we need --

1 KEITH WESTENGARD: -- think we have --
2 CHAIRMAN MILLS: Can we do --
3 KEITH WESTENGARD: -- to record --
4 CHAIRMAN MILLS: -- it --
5 KEITH WESTENGARD: -- it; don't we, Ted?
6 COMMISSIONER CLARK: We'll just do it here.
7 CHAIRMAN MILLS: Can we do it here?
8 KEITH WESTENGARD: We can just do it --
9 COMMISSIONER CLARK: Yeah.
10 KEITH WESTENGARD: -- up here. Because it has to be
11 recorded. Ted?
12 CHAIRMAN MILLS: Oh, okay.
13 KEITH WESTENGARD: Is that right?
14 DISTRICT ATTORNEY HERRERA: Yeah.
15 KEITH WESTENGARD: Yeah. We just have to clear the
16 chambers --
17 COMMISSIONER CLARK: Yeah.
18 KEITH WESTENGARD: -- for the --
19 DISTRICT ATTORNEY HERRERA: Oh, it doesn't really have to
20 be.
21 KEITH WESTENGARD: Oh, okay.
22 COMMISSIONER CLARK: Yeah.
23 DISTRICT ATTORNEY HERRERA: But, yeah, it -- it's better to
24 have it out here.
25 COUNTY CLERK SULLIVAN: Sean, you want to make sure they're
26 off the line now?
27 COMMISSIONER BAKKER: Austin?
28 FRANK WHITMAN: Hello.
29 DISTRICT ATTORNEY HERRERA: It's -- it's not because --
30 COMMISSIONER BAKKER: We brought you back to put you on
31 mute.
32 KEITH WESTENGARD: But I'm saying --
33 FRANK WHITMAN: Okay.
34 COMMISSIONER BAKKER: Okay.
35 CHAIRMAN MILLS: All right. So I guess we need to clear
36 the commission chambers.
37
38 (Break taken from 11:38 a.m. to 11:51 a.m.)
39
40

1 COMMISSIONERS

- 2
3 20) Discussion for possible action regarding a water applications
4 from the U.S. Water and Lands, LLC (87492) to the State
5 Engineer for 300,000 acre-feet of unappropriated Humboldt
6 River water rights and to submit a letter of protest, and all
7 other matters properly related thereto.
8

9 CHAIRMAN MILLS: We're on Item Number 20.

10 Discussion for possible action regarding the water
11 application of the U.S. Water and Land, LLC, 87492, to the state
12 engineer for 300,000 acre-feet of unappropriated Humboldt River
13 wa- -- water rights and to submit a letter of protest, and all
14 other matters properly related thereto.

15 COMMISSIONER ALLAN: So I'm going to make a motion that we
16 direct --

17 COMMISSIONER BAKKER: Woodburn and Wedge.

18 COMMISSIONER ALLAN: Woodburn and Wedge. Yeah. I was
19 going to say Gordon, but -- Woodburn and Wedge to file a letter
20 of protest on our behalf.

21 DISTRICT ATTORNEY HERRERA: Could -- could you please put
22 -- change that to "file a protest"?

23 COMMISSIONER ALLAN: To file a protest.

24 DISTRICT ATTORNEY HERRERA: Thank you.

25 COMMISSIONER ALLAN: Okay. To file a pro- -- protest on
26 our behalf in opposition of the water rights. Request for.

27 COMMISSIONER WAITS: I'll second the motion.

28 COMMISSIONER BAKKER: Okay.

29 CHAIRMAN MILLS: Okay. Judie made a motion. Patsy
30 seconded.

31 Do we have any public comment?

32 (No comment.)

33 CHAIRMAN MILLS: All in favor?

34 COMMISSIONER BAKKER: Aye.

35 COMMISSIONER ALLAN: Aye.

36 CHAIRMAN MILLS: Aye.

37 COMMISSIONER WAITS: Aye.

38 COMMISSIONER CLARK: Aye.

39 COMMISSIONER WAITS: Thank you, Counselor.

40 CHAIRMAN MILLS: Okay. Thank you.

1 COMMISSIONER BAKKER: Thank you, guys.
2 UNIDENTIFIED PARTICIPANT: Thank you.
3 COMMISSIONER BAKKER: Okay.
4 DISTRICT ATTORNEY HERRERA: Woodburn and Wedge to file a
5 (indiscernible).
6 UNIDENTIFIED PARTICIPANT: Bye.
7 COMMISSIONER BAKKER: Bye.
8 COMMISSIONER WAITS: Bye.
9 CHAIRMAN MILLS: Bye.
10 COMMISSIONER ALLAN: Bye.
11 CHAIRMAN MILLS: Okay. For the record, we're going to
12 table --
13 COMMISSIONER WAITS: Is Austin --
14 CHAIRMAN MILLS: -- Item Number --
15 COMMISSIONER WAITS: -- still on?
16 CHAIRMAN MILLS: -- 12, as was requested earlier in the
17 meeting.
18 Item Number 13. Oh.
19 COMMISSIONER ALLAN: Do you want to move --
20 CHAIRMAN MILLS: Let's do --
21 COMMISSIONER ALLAN: -- on to --
22 CHAIRMAN MILLS: Let's do --
23 COMMISSIONER ALLAN: Fifteen?
24 CHAIRMAN MILLS: -- Item Number 15.
25

26 **15) Discussion only regarding the Lander County Planning**
27 **Commission and its roles and responsibilities, and all other**
28 **matters properly related thereto.**
29

30 CHAIRMAN MILLS: Discussion only regarding the Lander
31 County Planning Commission and its role -- roles and
32 responsibilities, and all other matters properly related
33 thereto.

34 KEITH WESTENGARD: The -- the reason this is on there is I
35 -- I've had some concerns and re- -- received some calls about
36 the planning commission. It seems that they're -- it appears
37 they're trying to make policy.

38 And I -- I want some direction from the commission to --
39 to -- to either implement some training or some type of -- of
40 additional training for them or -- or something along those lines

1 to get them where -- to -- so they understand their roles as a --
2 as a planning commission.

3 COMMISSIONER BAKKER: I thought we were going to talk about
4 the commissioner being at the --

5 DISTRICT ATTORNEY HERRERA: That -- that's --

6 KEITH WESTENGARD: And, well, --

7 COMMISSIONER CLARK: Yeah.

8 KEITH WESTENGARD: -- that's --

9 DISTRICT ATTORNEY HERRERA: That's my understanding.

10 KEITH WESTENGARD: -- that's the --

11 COMMISSIONER CLARK: Yeah.

12 KEITH WESTENGARD: -- the rest of it too is the
13 commissioner. But I want them to get some additional --

14 COMMISSIONER CLARK: Okay.

15 KEITH WESTENGARD: -- training.

16 COMMISSIONER CLARK: Well, --

17 COMMISSIONER WAITS: Well, I thought the backup --

18 COMMISSIONER CLARK: -- go ahead, Ted.

19 COMMISSIONER WAITS: -- material was pretty clear, that
20 they don't want a commissioner even there.

21 DISTRICT ATTORNEY HERRERA: Well, whether they want it or
22 not, we -- the commissioner shouldn't be there because the
23 commission's an appellate court. Now, in the fi- -- in --

24 COMMISSIONER WAITS: No, when --

25 DISTRICT ATTORNEY HERRERA: Two, three-year --

26 COMMISSIONER WAITS: -- I said "they," -- I'm sorry -- I
27 didn't mean the planning commission. I meant the state on the
28 NRS. That's what I --

29 DISTRICT ATTORNEY HERRERA: No. Right, right. That's what
30 I'm saying, --

31 COMMISSIONER WAITS: Yeah.

32 DISTRICT ATTORNEY HERRERA: -- that -- and we found this
33 three years ago -- well, two and a half years ago when this came
34 up with ours.

35 And -- and we went and got this letter and stuff. And -- and
36 I gave Doug -- so I thought this was a result at that time.

37 But if Keith says there's other issues, then --

38 KEITH WESTENGARD: Well, it's -- it's very minor. That was
39 the one big one. But --

40 DISTRICT ATTORNEY HERRERA: I just wanted --

1 KEITH WESTENGARD: -- additional training.

2 DISTRICT ATTORNEY HERRERA: -- I just wanted all the
3 commissioners -- Art's the only one that asked me my legal
4 opinion at that time. So that's why I gave Art the letter. And
5 I didn't give it to all the commissioners. And now they have
6 it.

7 COMMISSIONER WAITS: And now we know that a --

8 DISTRICT ATTORNEY HERRERA: Yeah.

9 COMMISSIONER WAITS: -- commissioner should not --

10 DISTRICT ATTORNEY HERRERA: Yeah.

11 COMMISSIONER WAITS: -- be at the meetings. We --

12 DISTRICT ATTORNEY HERRERA: Right.

13 COMMISSIONER WAITS: -- don't need a representative.

14 DISTRICT ATTORNEY HERRERA: No, they shouldn't be.

15 COMMISSIONER WAITS: Okay.

16 DISTRICT ATTORNEY HERRERA: They shouldn't be.

17 COMMISSIONER WAITS: As far --

18 DISTRICT ATTORNEY HERRERA: Because they're --

19 COMMISSIONER WAITS: -- as --

20 DISTRICT ATTORNEY HERRERA: -- an appellate -- they're an
21 appellate agency.

22 COMMISSIONER CLARK: We're -- we're the review.

23 If -- if we have a commissioner there and engaged or listens
24 to what's going on, if there's a review at our level, that
25 individual has no say, cannot participate because they're already
26 informed and they're biased.

27 DISTRICT ATTORNEY HERRERA: Well, you could be conflicted
28 out.

29 COMMISSIONER WAITS: Oh, I don't take it quite like that
30 because we have a lot of advisory boards that -- that we sit on
31 that we bring information. But, besides that, back to your
32 question on -- on the training --

33 KEITH WESTENGARD: It's the additional -- yeah.

34 COMMISSIONER WAITS: The -- the people --

35 KEITH WESTENGARD: My -- and my thought was maybe they
36 could -- they could be invited to, like, the NACO stuff, annual
37 NACO stuff. And that's not a problem.

38 DISTRICT ATTORNEY HERRERA: If -- if we're talking --

39 KEITH WESTENGARD: (Indiscernible.)

40 DISTRICT ATTORNEY HERRERA: -- about ethics training, I

1 don't think any of our advisory boards get any training in
2 ethics. And I think they all need it.

3 I don't want anybody to get in trouble because they're --
4 they're -- they're volunteering to be -- sit on a board, and
5 then they're not given any ethics training. And then the ethics
6 committee, you know, charges them money and -- and does this to
7 them. And they don't know.

8 I think we need to give them all ethics training.

9 COMMISSIONER CLARK: John?

10 COMMISSIONER ALLAN: Ted?

11 COMMISSIONER CLARK: Have you --

12 COMMISSIONER ALLAN: Oh.

13 COMMISSIONER CLARK: -- had --

14 COMMISSIONER BAKKER: Let's do --

15 COMMISSIONER CLARK: -- ethics --

16 COMMISSIONER BAKKER: -- that again.

17 COMMISSIONER CLARK: -- training? Have you had any --

18 CHAIRMAN MILLS: (Indiscernible) --

19 COMMISSIONER CLARK: -- any kind of --

20 CHAIRMAN MILLS: -- (indiscernible) --

21 COMMISSIONER CLARK: -- training?

22 CHAIRMAN MILLS: -- have to get it in Item Number 16.

23 JOHN WILLIAMS: As far as...

24 COMMISSIONER CLARK: How your board functions?

25 JOHN WILLIAMS: Yes.

26 COMMISSIONER WAITS: You've had training on that? Have --
27 and -- and -- but you haven't had ethics training?

28 DISTRICT ATTORNEY HERRERA: It's -- it's --

29 COMMISSIONER BAKKER: It's like --

30 COMMISSIONER ALLAN: Okay. I just --

31 COMMISSIONER BAKKER: -- NACO training.

32 KEITH WESTENGARD: That -- that's what --

33 COMMISSIONER WAITS: Yeah.

34 KEITH WESTENGARD: -- I'm asking. Yes.

35 COMMISSIONER ALLAN: So I don't remember specifically when.
36 Last year sometime, last fall, I did request that Duane Carlson
37 from POOL/PACT come in.

38 KEITH WESTENGARD: Uh-huh.

39 COMMISSIONER ALLAN: And this was -- this was in -- in
40 conjunction with LEPC. We discussed it. But we did put out

1 notice to all county boards.

2 KEITH WESTENGARD: Uh-huh.

3 COMMISSIONER ALLAN: Specifically, it was about your open
4 meeting law. But we did address ethics issues. And we had
5 very, very few participants from other boards.

6 DISTRICT ATTORNEY HERRERA: That's -- that's my point.
7 I -- I think we need --

8 COMMISSIONER ALLAN: Is --

9 DISTRICT ATTORNEY HERRERA: -- to mandate it.

10 CHAIRMAN MILLS: So just as a point, when we go in to
11 discuss Item Number 16, --

12 COMMISSIONER BAKKER: Hey, why don't you open 16 up too,
13 then.

14 CHAIRMAN MILLS: -- that's something that we can -- we
15 don't necessarily need to do the training in that special
16 commission meeting. But that's something that we -- with all
17 the boards are here, we need to -- to bring those items up. And
18 have them --

19 DISTRICT ATTORNEY HERRERA: Right. I -- I don't -- I don't
20 believe --

21 CHAIRMAN MILLS: -- (indiscernible).

22 DISTRICT ATTORNEY HERRERA: -- a lot of these people on
23 these boards realize the ethics, the problems they could
24 potentially get into. So they wouldn't go -- they wouldn't go
25 to these things if they're working and they're engaged in
26 life-to-life --

27 CHAIRMAN MILLS: Right.

28 DISTRICT ATTORNEY HERRERA: -- in their life, you know,
29 pursuits. It -- it's hard to go to one of these things
30 unless -- I think it needs to be necessary.

31 CHAIRMAN MILLS: Right.

32 DISTRICT ATTORNEY HERRERA: I think it's a necessity to
33 protect them.

34 COMMISSIONER CLARK: Do we -- do we put it --

35 DISTRICT ATTORNEY HERRERA: And the county. Because if --
36 if they have an ethics violation, then -- then the action they
37 took can be negated. And we'd have to start all over, go all
38 the way back.

39 CHAIRMAN MILLS: Right.

40 COMMISSIONER ALLAN: But, Ted -- and I'm not arguing you --

1 with you on this. I'm just saying that, sure, coming in as a
2 new commissioner, it's kind of advised and -- and whatnot to go
3 to your first NACO and kind of experience some things. But it's
4 not required that you have to -- and -- and it's not required as
5 a commissioner to attend any kind of --

6 COMMISSIONER WAITS: We don't --

7 COMMISSIONER ALLAN: -- ethics meetings and whatnot. Is --

8 COMMISSIONER WAITS: We don't mandate any training.

9 COMMISSIONER ALLAN: We don't man- -- mandate any training.
10 Is how can -- I mean, I -- I think it's wonderful. I'd love to.
11 But how can you mandate to these people that it's voluntary.

12 DISTRICT ATTORNEY HERRERA: Well, we're just --

13 COMMISSIONER CLARK: Pol- --

14 DISTRICT ATTORNEY HERRERA: -- talking about a couple of
15 hours.

16 COMMISSIONER CLARK: Policy or --

17 COMMISSIONER ALLAN: Well, I know.

18 COMMISSIONER CLARK: -- ordinance.

19 COMMISSIONER ALLAN: But a lot of people aren't going to --
20 I mean, I'm not arguing. I'm just stating --

21 DISTRICT ATTORNEY HERRERA: Well, --

22 COMMISSIONER ALLAN: -- that --

23 DISTRICT ATTORNEY HERRERA: -- the liability that the
24 county faces, more than often, it's -- it's that mandate.

25 Now if -- if the county commissioners choose not to get
26 ethical training, I can't mandate them to do anything. Like they
27 can't mandate me to do anything. But I'd certainly say they need
28 it. Because the county's the one that suffers for it.

29 COMMISSIONER ALLAN: Well, I agree. But when you mandate
30 somebody, what are your reper- -- repercussions?

31 DISTRICT ATTORNEY HERRERA: What -- what are the
32 repercussions? They get knowledge?

33 COMMISSIONER ALLAN: No. I'm saying is you tell -- you
34 tell somebody that's on a board, "You have to go to this class
35 or you can't serve on a board"?

36 DISTRICT ATTORNEY HERRERA: Yeah. You make it part of
37 the -- the process --

38 COMMISSIONER CLARK: Requirement.

39 DISTRICT ATTORNEY HERRERA: -- when they're appointed.

40 COMMISSIONER CLARK: Now as far as being a commissioner and

1 getting ethics commi- -- ethics training, we have to do that.

2 If you don't go to training, you'll be -- you -- you have a
3 workbook that you need to read and sign and send in.

4 DISTRICT ATTORNEY HERRERA: That's true.

5 COMMISSIONER CLARK: I mean, pretty simple.

6 COMMISSIONER BAKKER: I'd say open up 16 too.

7 DISTRICT ATTORNEY HERRERA: Now the planning commission is
8 different from any other advisory board because they have --
9 they have legal functions that they -- they do on their own
10 aside from the county commi- -- just like in that letter.

11 I mean, we can act as an appellate court, if you will, for
12 that. But they have -- they're different from every other
13 advisory board. They're certainly not autonomous. They're an
14 advisory board. But they have separate functions that no other
15 board has.

16 So do I think that the planning commission needs ethics
17 training?

18 Absolutely.

19 COMMISSIONER ALLAN: I already said I'm not disagreeing
20 with you. I'm just questioning --

21 DISTRICT ATTORNEY HERRERA: Well, I don't --

22 CHAIRMAN MILLS: If --

23 COMMISSIONER ALLAN: -- how do we --

24 DISTRICT ATTORNEY HERRERA: -- really know what you're
25 doing, Commissioner, to be quite honest.

26 CHAIRMAN MILLS: If we wanted to mandate ethics training,
27 could we? And how would we go about making that a mandate?

28 COMMISSIONER CLARK: Policy or ordinance.

29 DISTRICT ATTORNEY HERRERA: You just -- you could just --
30 well, you've scheduled -- you've scheduled -- you're going to
31 schedule a meeting where all of these boards are supposed to be
32 in attendance.

33 CHAIRMAN MILLS: Right.

34 COMMISSIONER ALLAN: Supposed to, but that doesn't mean
35 they are.

36 DISTRICT ATTORNEY HERRERA: No, it doesn't.

37 So you want to finish my thoughts for me, Commissioner?

38 COMMISSIONER ALLAN: Not at all. Go right --

39 DISTRICT ATTORNEY HERRERA: Well, thank you.

40 COMMISSIONER ALLAN: -- ahead.

1 DISTRICT ATTORNEY HERRERA: I believe that we should do an
2 ordinance change in the procedure -- and there's certain
3 boards -- and we -- we should look at the different boards and
4 mandate ethics training.

5 We're only talking about two, three hours. We're talking
6 about a book and a couple of hours of ethics training. And the
7 potential savings from that, both to them individually -- be --
8 ethics boards go after those members individually. Individually.
9 Thousands of dollars.

10 CHAIRMAN MILLS: Right.

11 DISTRICT ATTORNEY HERRERA: And if they don't know they're
12 breaking the ethics rules, I don't think we're being fair to
13 them by appointing them on the board.

14 Now let's ask John what he thinks on this.

15 JOHN WILLIAMS: Well, I agree with you wholeheartedly. And
16 --

17 COMMISSIONER CLARK: We need your name.

18 JOHN WILLIAMS: Oh, I'm sorry. John William, Planning
19 Commission.

20 I think, yeah, you're going to need to make some kind of --
21 some type of a -- ordinance. I don't think it --

22 DISTRICT ATTORNEY HERRERA: Mandate --

23 JOHN WILLIAMS: -- needs an ordinance --

24 DISTRICT ATTORNEY HERRERA: -- or something.

25 JOHN WILLIAMS: -- unless -- some type of a -- something on
26 paper that will require it. But it's a simple -- when you --
27 when you get on the planning commission, you're required to
28 submit a letter of intent why you want to get on there.

29 COMMISSIONER CLARK: And agree.

30 COMMISSIONER BAKKER: In fact, you could pick that -- that
31 letterhead up, be required that you pick it up over here at the
32 planner.

33 DISTRICT ATTORNEY HERRERA: Yeah.

34 JOHN WILLIAMS: And right on there -- the first thing on
35 there is you need to be aware that you're going to need to
36 attend --

37 DISTRICT ATTORNEY HERRERA: Ethics training.

38 JOHN WILLIAMS: -- ethics training. If you decide not to,
39 I don't know whether you could legally -- that's something that
40 you legally go on and say that we are not interested in you.

1 DISTRICT ATTORNEY HERRERA: Yeah. You can say that.
2 JOHN WILLIAMS: Toss this. Or if you're -- if you can
3 legally do it, I think you should.
4 COMMISSIONER CLARK: If -- if we offer it, Ted, and a board
5 member chooses not to attend or not to do the workbook or
6 whatever needs to be done and they get in trouble, then they'd
7 have no coverage at all. They'd --
8 DISTRICT ATTORNEY HERRERA: Well, they don't have any
9 coverage now.
10 JOHN WILLIAMS: But the county would also be liable.
11 DISTRICT ATTORNEY HERRERA: Yeah.
12 JOHN WILLIAMS: That's the bad part --
13 COMMISSIONER CLARK: And that's --
14 JOHN WILLIAMS: -- about it.
15 COMMISSIONER CLARK: -- that's what I'm saying. If -- if
16 we offer it and it's not taken, then --
17 DISTRICT ATTORNEY HERRERA: But you get --
18 COMMISSIONER CLARK: -- are we still liable for the person
19 that didn't fulfill their --
20 DISTRICT ATTORNEY HERRERA: Yeah.
21 COMMISSIONER CLARK: -- commitment?
22 DISTRICT ATTORNEY HERRERA: You -- you just -- in the
23 mandate, you put that it's a -- it's a prerequisite to sit on
24 the board to have ethics training, particularly --
25 COMMISSIONER CLARK: Okay.
26 DISTRICT ATTORNEY HERRERA: -- that board. That's --
27 JOHN WILLIAMS: I don't think you want them if they're not
28 interested in --
29 DISTRICT ATTORNEY HERRERA: Exactly.
30 JOHN WILLIAMS: I don't think they want to serving.
31 DISTRICT ATTORNEY HERRERA: I don't think they want to be
32 on there. I wouldn't want to --
33 JOHN WILLIAMS: No.
34 DISTRICT ATTORNEY HERRERA: -- sit on that board without
35 ethics training.
36 JOHN WILLIAMS: No. I mean, we've got -- we have got
37 the -- the stuff from the state as far as open meeting laws.
38 And it -- it addresses ethics in there. But as far as formal
39 training --
40 COMMISSIONER CLARK: Well, I'll tell you what, if you go to

1 POOL/PACT training for ethics, those attorneys will scare the
2 hell out of you.

3 JOHN WILLIAMS: I -- I think it's a good thing.

4 DISTRICT ATTORNEY HERRERA: Yeah.

5 JOHN WILLIAMS: I mean, we're --

6 COMMISSIONER CLARK: And we'll pay the way.

7 JOHN WILLIAMS: We are all representing this county.

8 DISTRICT ATTORNEY HERRERA: Right.

9 COMMISSIONER CLARK: Yeah. We're going to pay for --

10 JOHN WILLIAMS: And we can --

11 COMMISSIONER CLARK: -- you guys to --

12 JOHN WILLIAMS: -- get --

13 COMMISSIONER CLARK: -- go.

14 JOHN WILLIAMS: -- this county buried if we make --

15 CHAIRMAN MILLS: So --

16 JOHN WILLIAMS: -- the wrong decision, the wrong comment.

17 CHAIRMAN MILLS: Keith, in -- in line with that, I think
18 what I'd like to do is whatever date we set our group meeting,
19 special agenda, sometime after that, let's -- let's establish a
20 date for some ethics training.

21 And then we can announce to all the boards at that time that
22 that training will be available and request that they all be
23 there.

24 I suppose at this point we can only request. We cannot
25 mandate yet. But --

26 DISTRICT ATTORNEY HERRERA: Well, a lot of these --

27 CHAIRMAN MILLS: -- maybe we'll -- we'll start taking steps
28 to where we mandate to certain --

29 DISTRICT ATTORNEY HERRERA: Mr. --

30 CHAIRMAN MILLS: -- boards that they --

31 DISTRICT ATTORNEY HERRERA: -- Chairman, --

32 CHAIRMAN MILLS: -- have to --

33 DISTRICT ATTORNEY HERRERA: -- a lot of these boards are
34 unable to make decisions. So they can't -- so they're not going
35 to violate ethics.

36 COMMISSIONER CLARK: Right.

37 CHAIRMAN MILLS: Okay.

38 COMMISSIONER CLARK: We need to re- -- preview the --

39 DISTRICT ATTORNEY HERRERA: What we need --

40 COMMISSIONER BAKKER: Then we'll -- then we'll --

1 DISTRICT ATTORNEY HERRERA: We need to get a list --
2 CHAIRMAN MILLS: We'll go --
3 DISTRICT ATTORNEY HERRERA: -- of folks --
4 CHAIRMAN MILLS: -- through that. And we'll figure it out.
5 That -- that way --
6 DISTRICT ATTORNEY HERRERA: Right.
7 CHAIRMAN MILLS: -- when we do this special meeting, we
8 can -- we can announce to them openly that --
9 DISTRICT ATTORNEY HERRERA: Yeah.
10 COMMISSIONER BAKKER: You got to open that.
11 CHAIRMAN MILLS: -- who needs to be there.
12 COMMISSIONER BAKKER: Just --
13 DISTRICT ATTORNEY HERRERA: Right.
14 COMMISSIONER BAKKER: -- saying. Open 16.
15 COMMISSIONER WAITS: Well, 16's just --
16 COMMISSIONER CLARK: John?
17 COMMISSIONER WAITS: Okay.
18 CHAIRMAN MILLS: -- supposed to be just for a date.
19 COMMISSIONER CLARK: John.
20 JOHN WILLIAMS: John Williams. In the opening, did I hear
21 correctly that we've been accused of possibly making policy?
22 KEITH WESTENGARD: There -- there was -- there was
23 discussion on that.
24 And I just wanted to get it clear that that's not --
25 JOHN WILLIAMS: Well, I really --
26 KEITH WESTENGARD: -- part of your --
27 JOHN WILLIAMS: -- don't -- I really don't care to
28 confront -- confront the individual or individuals. But I would
29 like to see their evidence of that.
30 KEITH WESTENGARD: Sure. We'll talk later.
31 JOHN WILLIAMS: I'd -- I'd really like to see that.
32 KEITH WESTENGARD: Absolutely.
33 JOHN WILLIAMS: And their qualifications also.
34 KEITH WESTENGARD: Okay. No problem, John.
35 JOHN WILLIAMS: Thank you.
36 CHAIRMAN MILLS: Are we --
37 COMMISSIONER BAKKER: We good?
38 CHAIRMAN MILLS: This -- this is a discussion-only item.
39 So...
40 COMMISSIONER BAKKER: Yeah. We're good.

1 CHAIRMAN MILLS: Is there any other discussion that we need
2 to make pertaining to this?

3 DISTRICT ATTORNEY HERRERA: Didn't you open up two of them?

4 COMMISSIONER BAKKER: No.

5 CHAIRMAN MILLS: No.

6 Okay. Do we -- we're -- are -- do we have all our answers
7 we need for the moment?

8 Okay.

9 COMMISSIONER ALLAN: Want to break for lunch?

10 CHAIRMAN MILLS: So question to the commission and to our
11 attorney. Our agenda says we break for lunch from 12:00 to
12 1:15. Do we -- are we required to take a lunch?

13 DISTRICT ATTORNEY HERRERA: No.

14 CHAIRMAN MILLS: Do you want to take lunch and just push
15 through?

16 COMMISSIONER ALLAN: Let's just push through.

17 COMMISSIONER BAKKER: We got four --

18 COMMISSIONER CLARK: Let's eat.

19 COMMISSIONER BAKKER: -- more items.

20 DISTRICT ATTORNEY HERRERA: You're not --

21 COMMISSIONER WAITS: We don't have --

22 DISTRICT ATTORNEY HERRERA: -- required --

23 COMMISSIONER WAITS: -- much.

24 DISTRICT ATTORNEY HERRERA: -- to.

25 COMMISSIONER WAITS: Let's go.

26 COMMISSIONER BAKKER: Yeah. We have four --

27 CHAIRMAN MILLS: Okay.

28 COMMISSIONER BAKKER: -- items.

29 COMMISSIONER ALLAN: Yeah.

30
31
32 **PUBLIC WORKS**

- 33
34 13) **Discussion for possible action regarding a reduction in the**
35 **water and sewer rates for senior citizens and low-income**
36 **residents of Battle Mountain, Nevada, and all other matters**
37 **properly related thereto.**
38

39 CHAIRMAN MILLS: Let's do Item 13.

40 COMMISSIONER BAKKER: Okay.

1 CHAIRMAN MILLS: Discussion for possible action regarding a
2 reduction in the water, sewer rates for senior citizens and
3 low-income residents of Battle Mountain, Nevada, and all other
4 matters properly related thereto.

5 COMMISSIONER ALLAN: Okay. So I requested this.

6 And I know, if you look at your backup material, at one point
7 we did have it. And because of federal grants, it was suggested
8 that we -- we couldn't get federal grants if we had this program.
9 And so they did change it.

10 At the time we're not getting any federal grants.

11 Obviously from our audit, you know, we're -- we're doing
12 pretty good on our finances.

13 Is I guess I'd like to talk about it and see what you guys'
14 feelings are. Or -- or if there's any options that we could maybe
15 do something to help those on fixed incomes in that regards.

16 COMMISSIONER WAITS: What discount did we give them last
17 time when we did allow it?

18 I didn't see anything on there. I don't know whether
19 Bert -- that's way before --

20 COMMISSIONER ALLAN: Yeah.

21 COMMISSIONER WAITS: -- your --

22 COMMISSIONER ALLAN: I don't --

23 COMMISSIONER WAITS: -- time.

24 COMMISSIONER ALLAN: know. I don't know. Tammy, do you
25 remember?

26 TAMMY DIMITROFF: Tammy Dimitroff, Water and Sewer, for the
27 record.

28 I'm sorry I was talking to Jay. Ask that question again.

29 COMMISSIONER ALLAN: Do you remember when we had the -- the
30 discounts for the -- the senior rates? What that percentage
31 was? Or what the discounts were?

32 TAMMY DIMITROFF: I don't remember exactly the percentage.
33 Actually my very first day of work is when they took it away.

34 I will never forget because I got lots of phone calls that
35 day.

36 But I -- we did find the paperwork. And I didn't go through
37 and really see what the percentage was.

38 But that is not just based on fixed incomes. It's --

39 COMMISSIONER ALLAN: True.

40 TAMMY DIMITROFF: -- based on senior citizens. It was the

1 discount at that --

2 COMMISSIONER ALLAN: The seniors.

3 TAMMY DIMITROFF: -- time.

4 COMMISSIONER ALLAN: And -- and -- and that's another
5 discussion is -- is what do -- you know, if we do go with
6 something, is decide who gets it.

7 Now on page 242, it does state that when they went back to --
8 when they went away from the program, it went from 12.35 to 21.25
9 on sewer rates. Or that was water. And in sewer -- so that
10 was -- that was a considerable increase on both of them actually.

11 COMMISSIONER WAITS: What --

12 COMMISSIONER ALLAN: 22.80 to \$38.

13 COMMISSIONER WAITS: There was an increase at that time
14 also.

15 COMMISSIONER ALLAN: Yeah.

16 COMMISSIONER WAITS: So they had a double. They got hit
17 double, --

18 COMMISSIONER ALLAN: They got double whammy.

19 COMMISSIONER WAITS: -- which really is sad. Right.

20 I -- I just want to remind you all that on -- on our -- on
21 our audit this morning, we did have an operating loss. And it
22 was 75,230 on sewer and 161,004 on the water.

23 So, yes, --

24 COMMISSIONER ALLAN: Yeah.

25 COMMISSIONER WAITS: -- we can make it up.

26 But -- but that's where we are. We have to keep that in
27 mind when we're -- we're talking -- and your agenda item says,
28 not only senior citizens, low income?

29 COMMISSIONER ALLAN: Well, possibly.

30 COMMISSIONER WAITS: Okay. So --

31 COMMISSIONER ALLAN: And -- and --

32 COMMISSIONER WAITS: -- we're going to talk about it.
33 Okay.

34 COMMISSIONER BAKKER: When we did -- and I agree. This is
35 a good idea.

36 But when we did Randy Clark's or commi- -- not Randy Clark.
37 But when we did the commercial cut, we did a study first to see
38 the impact to the budget and public works. Right?

39 Is that -- before we do this, can we do a study? I mean,
40 might as well follow the same policy to make sure that it's not

1 going to have a tremendous impact to the public works, water and
2 sewer budget.

3 COMMISSIONER WAITS: Do we know offhand how many senior
4 citizens we have? We don't have the age when you --

5 TAMMY DIMITROFF: No.

6 COMMISSIONER WAITS: So how would we know?

7 TAMMY DIMITROFF: Not exactly sure. But by law, I know
8 that we cannot ask date of birth or social numbers. So we
9 have --

10 COMMISSIONER WAITS: We could just --

11 TAMMY DIMITROFF: -- no idea.

12 COMMISSIONER WAITS: -- offer it and see how many come in
13 and say, I am one.

14 TAMMY DIMITROFF: Yeah. And then --

15 COMMISSIONER WAITS: So how do we do a study?

16 DISTRICT ATTORNEY HERRERA: Right. They can certainly
17 volunteer that information if the county --

18 COMMISSIONER BAKKER: If they want their water cut.

19 UNIDENTIFIED PARTICIPANT: If they want their water cut.

20 COMMISSIONER ALLAN: If they --

21 COMMISSIONER WAITS: Right. But I'm saying to do the
22 study, is what I'm getting.

23 DISTRICT ATTORNEY HERRERA: Right.

24 COMMISSIONER BAKKER: All I'm saying, to be consistent, we
25 -- when we did our last water cut, we made sure that we had
26 numbers to back up what we were doing.

27 DISTRICT ATTORNEY HERRERA: No. We sent the offer for the
28 study, for them to come in for study purposes.

29 COMMISSIONER WAITS: Oh, I see. You want them to volunteer
30 for the study?

31 DISTRICT ATTORNEY HERRERA: How else we could get the
32 information?

33 COMMISSIONER ALLAN: I --

34 COMMISSIONER BAKKER: I just think it's a good idea.

35 COMMISSIONER ALLAN: Well, and that's actually -- we -- you
36 know, deciding on what we -- we decide, you know, you could --
37 you could request volunteers, you know, advertise and say, hey,
38 you know, we're -- we're requesting volunteers to do the study,
39 to -- to see age group-wise, maybe where you would set your
40 income and -- to get --

1 DISTRICT ATTORNEY HERRERA: Or to -- or just pass out some
2 type of a --
3 COMMISSIONER ALLAN: Well, yeah.
4 COMMISSIONER CLARK: Fliers.
5 COMMISSIONER ALLAN: Because not everybody reads --
6 DISTRICT ATTORNEY HERRERA: Fluff.
7 COMMISSIONER ALLAN: -- the paper.
8 DISTRICT ATTORNEY HERRERA: Not -- yeah. Well, either way.
9 Either it's --
10 COMMISSIONER ALLAN: Either way.
11 DISTRICT ATTORNEY HERRERA: -- to get the information.
12 TAMMY DIMITROFF: I have (indiscernible).
13 COMMISSIONER WAITS: Okay. So when we send out the bills,
14 we could put a note on the --
15 DISTRICT ATTORNEY HERRERA: Oh, yeah.
16 COMMISSIONER WAITS: -- bills. If you are --
17 DISTRICT ATTORNEY HERRERA: Good idea.
18 COMMISSIONER ALLAN: There.
19 COMMISSIONER WAITS: We are --
20 COMMISSIONER ALLAN: Good idea.
21 COMMISSIONER WAITS: -- considering a senior citizen
22 discount. Please -- please -- please let --
23 TAMMY DIMITROFF: The only -- the only problem --
24 COMMISSIONER WAITS: -- us know.
25 TAMMY DIMITROFF: -- with that, Patsy, is our bills are
26 this big. And there's not room to put that information on
27 there.
28 COMMISSIONER WAITS: Couldn't we do --
29 CHAIRMAN MILLS: That's because we --
30 TAMMY DIMITROFF: So --
31 CHAIRMAN MILLS: -- send out a postcard.
32 TAMMY DIMITROFF: And we have --
33 CHAIRMAN MILLS: -- basically. Yeah.
34 TAMMY DIMITROFF: -- 1326 customers.
35 DISTRICT ATTORNEY HERRERA: So we can do a one-time bigger
36 mailing.
37 COMMISSIONER ALLAN: Yeah?
38 TAMMY DIMITROFF: Which is --
39 DISTRICT ATTORNEY HERRERA: It's a lot cheaper --
40 CHAIRMAN MILLS: Oh.

1 DISTRICT ATTORNEY HERRERA: -- than --
2 TAMMY DIMITROFF: Yeah.
3 DISTRICT ATTORNEY HERRERA: -- than what we're talking.
4 COMMISSIONER WAITS: Are you sure? If -- if all we have to
5 do is -- is one of those little stick 'em address things and put
6 on, if you are a senior citizen --
7 DISTRICT ATTORNEY HERRERA: I'm just going
8 to (indiscernible) --
9 COMMISSIONER WAITS: -- and wish a discount, please call.
10 Or please let us know.
11 COMMISSIONER ALLAN: Well, let's --
12 COMMISSIONER WAITS: Something.
13 COMMISSIONER ALLAN: -- let's --
14 COMMISSIONER WAITS: And stick that on --
15
16 (Indiscernible side conversations.)
17
18 COMMISSIONER WAITS: -- somewhere. Yes, you could.
19 We'll look at it.
20 TAMMY DIMITROFF: Okay. Yeah. Yeah.
21 COMMISSIONER WAITS: But I think we --
22 TAMMY DIMITROFF: Back to --
23 COMMISSIONER WAITS: -- could.
24 TAMMY DIMITROFF: -- when there was a discount -- and --
25 and I'm all for all low income, you know. But when there was a
26 discount before, we were partnered with Sandy Smith at the
27 senior center. And she had a list of low income -- or
28 individuals.
29 COMMISSIONER WAITS: Yeah, that --
30 TAMMY DIMITROFF: Well, that's all that she could help.
31 Then she would give a list to -- to Grace at the
32 Treasurer's Office. And then they'd -- Sandy had a -- a fund.
33 I'm sorry. I don't know exactly --
34 COMMISSIONER ALLAN: Indigent.
35 TAMMY DIMITROFF: -- the right fund. Indigent Fund. And
36 then they would only pay a partial part of the water and -- and
37 the sewer part.
38 COMMISSIONER WAITS: I -- I think that --
39 TAMMY DIMITROFF: And then those people, since I got the
40 information from Sandy, have -- sadly, a lot of them have passed

1 away --

2 COMMISSIONER WAITS: Uh-huh.

3 TAMMY DIMITROFF: -- or no longer available here in the
4 community. So we don't even have anybody that get that
5 discount. So that was still carried over this past ten --

6 COMMISSIONER ALLAN: They still --

7 TAMMY DIMITROFF: -- years.

8 COMMISSIONER ALLAN: I'm sorry, Tammy. They still have an
9 indigent fund.

10 TAMMY DIMITROFF: Yeah. We just don't here.

11 COMMISSIONER ALLAN: So that -- that you can apply. But
12 it's kind of a one-time thing. Is what -- what this is looking
13 at is, you know, it's not permanent. But, you know for -- for
14 the time being, until maybe, you know, several years -- who
15 knows? -- down the road, we might have to readjust. So it
16 doesn't really come into the Indigent Fund area.

17 And -- and possibly maybe get in conjunction with Sandy to --
18 to have the qualifications once we determine if this is the way we
19 want to go, is that they can go to -- to her to see if they meet
20 the qualifications to --

21 TAMMY DIMITROFF: Okay.

22 COMMISSIONER ALLAN: -- get a discount.

23 TAMMY DIMITROFF: So the thing with the board is if you
24 agree with all senior citizens, that means you could make a lot
25 of money. Or you would be an indigent or just indigent. That
26 would be something that you need to look at not, not just,
27 you know, if you're 55 or 60 or --

28 COMMISSIONER ALLAN: I think all --

29 TAMMY DIMITROFF: Because -- because when you --

30 COMMISSIONER ALLAN: -- seniors.

31 TAMMY DIMITROFF: -- go to Sandy, she looks at it -- your
32 income, everything. And a lot of people were not eligible.
33 That's why she didn't have a big list. And she would turn those
34 reports in to Grace every month. Because they didn't get a
35 one-time. Makes that simple.

36 COMMISSIONER WAITS: If we went with a straight senior
37 citizen, we'd have to determine what age you considered a fixed-
38 income senior citizen.

39 COMMISSIONER ALLAN: And I would say when you're available
40 for social security.

1 COMMISSIONER WAITS: Well, that --
2 COMMISSIONER ALLAN: I mean, that's just an easy --
3 COMMISSIONER WAITS: Well, no, that -- that's -- that's too
4 broad because you've got a widow available at 60.
5 COMMISSIONER ALLAN: Well, she's --
6 COMMISSIONER WAITS: Or widower.
7 COMMISSIONER ALLAN: -- on a fixed income, then.
8 COMMISSIONER WAITS: And -- not necessarily.
9 COMMISSIONER ALLAN: Yeah.
10 COMMISSIONER WAITS: And 60. Just because you're eligible
11 for social security does not mean that you're on a fixed income.
12 COMMISSIONER ALLAN: Well, no, no, no, no. And I realize
13 that.
14 COMMISSIONER WAITS: So if --
15 COMMISSIONER ALLAN: I -- I mean, --
16 COMMISSIONER WAITS: -- you're going to go an --
17 COMMISSIONER ALLAN: -- I know that.
18 COMMISSIONER WAITS: -- age, you know, and choose an age
19 and say 62 or 60 or 65 or whatever --
20 COMMISSIONER ALLAN: I mean, granted, --
21 COMMISSIONER WAITS: -- you choose.
22 COMMISSIONER ALLAN: -- sure. Some people at -- at 30 are
23 on fixed incomes because of --
24 COMMISSIONER WAITS: That's true.
25 COMMISSIONER ALLAN: -- any kind of disability.
26 COMMISSIONER WAITS: So -- so if you go senior citizen,
27 what I'm saying is we have to determine now if they're going
28 to -- we're going to ask them to send something out. We need to
29 determine what age. That's all.
30 COMMISSIONER ALLAN: Right. Exactly.
31 COMMISSIONER BAKKER: I just want to know the financial
32 impact of the water and sewer --
33 BERT RAMOS: That's --
34 COMMISSIONER BAKKER: -- budget.
35 CHAIRMAN MILLS: Right.
36 COMMISSIONER WAITS: Right.
37 CHAIRMAN MILLS: So I'd -- I'd go along with that. Whether
38 we do this or not, (indiscernible) or not, we need to flesh this
39 out before we make any decisions about whether or not we're
40 going to do it.

1 COMMISSIONER WAITS: But we --
2 CHAIRMAN MILLS: Because --
3 COMMISSIONER WAITS: -- need --
4 CHAIRMAN MILLS: -- there's --
5 COMMISSIONER WAITS: -- to guide --
6 CHAIRMAN MILLS: -- so many --
7 COMMISSIONER WAITS: -- them. You need to choose --
8 CHAIRMAN MILLS: Yeah.
9 COMMISSIONER WAITS: -- an age. If you decide senior --
10 CHAIRMAN MILLS: So we need to get --
11 COMMISSIONER WAITS: -- citizens.
12 COMMISSIONER BAKKER: Bert --
13 CHAIRMAN MILLS: -- some more --
14 COMMISSIONER BAKKER: -- has suggestions.
15 BERT RAMOS: Well. Bert Ramos.
16 The -- as Patsy pointed out, we're already, you know,
17 70,000, I think, in the sewer and a hundred and something in
18 water. I don't -- you --
19 COMMISSIONER WAITS: Seventy-five --
20 COMMISSIONER ALLAN: Vice versa.
21 COMMISSIONER WAITS: -- and 161.
22 BERT RAMOS: Seventy and 161, just for our system
23 obligation, as we stand --
24 CHAIRMAN MILLS: Right.
25 BERT RAMOS: -- right now. And, you know, that isn't going
26 to get it -- obviously that isn't going to get any better.
27 So as long as the commission is good with -- with fronting
28 the money, we're good with -- we're good with doing it. It's
29 just --
30 CHAIRMAN MILLS: Right.
31 BERT RAMOS: -- it's just -- it's going to become a -- you
32 know, bigger losses. And we -- and we have bigger projects
33 coming as well, you know, with our Well 7 and 8 out there having
34 trouble, with NDEP's new -- they're kind of cracking down on all
35 their requirements now with what happened in Flint, Michigan,
36 our sewer plant. You know, we've been in front of you guys many
37 times on our, you know, different products we're having to put
38 in there that are -- in some counties are as much as \$3 per
39 customer they've had to go up just to -- just to cover the -- so
40 -- so there's some other things, I think, to consider --

1 CHAIRMAN MILLS: Right.
2 BERT RAMOS: -- before -- before we start -- start down
3 this road.
4 CHAIRMAN MILLS: And it -- that's a good point. If we --
5 if we can't operate within our operational budget, why are we
6 talking about it?
7 BERT RAMOS: That's one of my concerns. Because at some
8 point when, you know, the money isn't running into the county
9 like it currently is, it becomes a problem. And then you have
10 to take back.
11 So...
12 CHAIRMAN MILLS: Right. And that --
13 BERT RAMOS: Not that it's --
14 CHAIRMAN MILLS: -- makes --
15 BERT RAMOS: -- not a bad idea.
16 CHAIRMAN MILLS: So if we -- if we could give the seniors a
17 discount. But if we're operating at a loss, does that mean,
18 then, we charge everyone else more?
19 BERT RAMOS: Yeah. That's for you guys to --
20 CHAIRMAN MILLS: We're going to make --
21 BERT RAMOS: -- decide.
22 CHAIRMAN MILLS: -- up for it somewhere? Or what? I mean,
23 if we were operating at -- at a profit, it'd be a lot easier
24 answer.
25 BERT RAMOS: Well, and we're operating at a -- at a loss
26 with -- with potential bigger losses coming in the -- in these
27 future years with, like I say, with what's coming down from NDEP
28 and -- and some of their more stringent requirements.
29 CHAIRMAN MILLS: Right.
30 BERT RAMOS: So just things to be considered.
31 COMMISSIONER ALLAN: Well, absolutely.
32 BERT RAMOS: I don't think it's a bad idea.
33 COMMISSIONER ALLAN: No. And that's why -- I mean, I know
34 that there's obstacles. And it's why I asked it to be put on
35 the agenda. But this was before we actually got the audit
36 report. So we didn't have the --
37 COMMISSIONER WAITS: Operating expenses.
38 COMMISSIONER ALLAN: -- operating expenses to show that we
39 are actually operating at a loss.
40 COMMISSIONER BAKKER: Okay. So we need --

1 COMMISSIONER ALLAN: So --

2 COMMISSIONER BAKKER: -- to raise the commercial rates,
3 then.

4 CHAIRMAN MILLS: Oh, my gosh.

5 TAMMY DIMITROFF: I don't --

6 BERT RAMOS: I know. I'm --

7 COMMISSIONER BAKKER: I'm just joking.

8 BERT RAMOS: -- going to go home on that.

9 COMMISSIONER BAKKER: I'm just joking.

10 COMMISSIONER WAITS: Well, --

11 TAMMY DIMITROFF: Well, and another --

12 CHAIRMAN MILLS: That was good.

13 TAMMY DIMITROFF: -- thing, I mean, the most important
14 thing is like, you know, the operating expenses and stuff, is,
15 okay, if this does get approved, we give senior citizens a
16 discount, all of a sudden the county is in a bind. And we're
17 going to want federal funding, for example. Now we're going to
18 take this away from these individuals. I'm not answering the
19 phone that day, by the way.

20 So, I mean, that's something to consider too.

21 CHAIRMAN MILLS: Right.

22 COMMISSIONER ALLAN: Well, it is. And -- and just like,
23 you know, back in August of 2007 when the letter was sent out
24 saying, hey, you know, we're taking away from you. And -- and
25 the rates are going -- you know, one of them is \$9.10 and \$16
26 difference. So not only are you losing your -- your rate, but,
27 boom, things hit. Yeah. You kind of -- especially people on a
28 fixed income, is you budget for that amount and then in two
29 years down the road when -- when we have to take it away, it --
30 it does really impact.

31 COMMISSIONER WAITS: Well, I -- I think it's a wonderful
32 idea. And I'm glad that we can cons- -- consider it and look at
33 it. But I don't think this is the right time.

34 So they'll know we're thinking about them. And hopefully
35 we'll -- we'll see where we go and maybe we get a lot more people
36 in. You know, we've got development areas. And there may be a
37 time we can do it.

38 BERT RAMOS: I mean, you -- there -- there are ways to make
39 the cost kind of -- depending on how many we have, we can do a
40 study and see how many people come in and what kind of

1 discount's possible. And -- and you can raise, you know -- you
2 know, the -- your per thousand gallons over your 5,000 dolla- --
3 over your 5,000-gallon minimum. You could raise them rates
4 slightly to possibly offset that a little bit. Typically your
5 senior citizens aren't using a bunch of water. And, you know,
6 so there's -- there's ways to kind of do some -- some
7 offsetting. But it's still -- we're operating at a loss.

8 COMMISSIONER WAITS: Okay.

9 CHAIRMAN MILLS: Yeah.

10 So --

11 COMMISSIONER BAKKER: The one --

12 BERT RAMOS: Did everybody --

13 COMMISSIONER BAKKER: -- area we're operating at a loss on.

14 BERT RAMOS: Yes.

15 COMMISSIONER WAITS: There's a couple.

16 CHAIRMAN MILLS: Is everybody -- everybody okay to move on
17 on this one?

18 COMMISSIONER WAITS: Yeah.

19 CHAIRMAN MILLS: Are we --

20 Okay. Thank you.

21 COMMISSIONER BAKKER: Be looking at some ideas.

22 CHAIRMAN MILLS: Thank you for --

23 COMMISSIONER BAKKER: Then we'll go --

24 CHAIRMAN MILLS: -- your time.

25 COMMISSIONER BAKKER: -- from there. Thank you, --

26 TAMMY DIMITROFF: (Indiscernible.)

27 COMMISSIONER BAKKER: -- guys.

28 COMMISSIONER ALLAN: Oh, hey. Yeah, actually -- Bert?

29 Sorry. I mean, sure. Yeah. We've already acknowledged
30 we're operating at a loss. But like you mentioned, maybe
31 readjusting rates, the -- the over the 5,000. Or -- or is there
32 anyway you could look into something like that that we could maybe
33 balance some things out and -- and revisit this?

34 BERT RAMOS: Yeah. I plan on it.

35 COMMISSIONER ALLAN: Okay.

36 BERT RAMOS: I'll be back here.

37 COMMISSIONER ALLAN: Thank you.

38 COMMISSIONER BAKKER: Thanks, guys.

39 COMMISSIONER ALLAN: Thank you, Tammy.

40 TAMMY DIMITROFF: Thank you.

1 16) Discussion for possible action to select a date and time to
2 hold a special commission meeting that will include all
3 department heads, boards Category I, II, III, and IV, and an
4 invitation to all elected officials to set goals for the
5 upcoming budget year, and all other matters properly related
6 thereto.
7

8 CHAIRMAN MILLS: Okay. Item 16. Discussion for possible
9 action to select a date and time to hold a special commission
10 meeting that will include all department heads, boards,
11 Categories I, II, III, and IV, and an invitation to elect--
12 all elected officials to set goals for the upcoming budget year,
13 and all other matters properly related thereto.

14 So this is one I'm asking for -- to do. And this is -- I'm
15 don't know that we've ever done this before.

16 COMMISSIONER WAITS: No. No.

17 CHAIRMAN MILLS: So this is kind of new ground, kind of
18 open as far as the ideas go about what we discuss.

19 COMMISSIONER WAITS: The timing --

20 CHAIRMAN MILLS: We just --

21 COMMISSIONER WAITS: -- is critical.

22 CHAIRMAN MILLS: Right. I want to do this before budget.
23 Because I think budget's an important part of including --

24 COMMISSIONER WAITS: I meant the time of day.

25 CHAIRMAN MILLS: Time of day?

26 COMMISSIONER WAITS: So people can --

27 CHAIRMAN MILLS: Be --

28 COMMISSIONER WAITS: Because some people work that have sat
29 on --

30 CHAIRMAN MILLS: Well, that's -- that's --

31 COMMISSIONER WAITS: -- our boards.

32 CHAIRMAN MILLS: We're never going to set a time where
33 everybody can be there. That's just --

34 COMMISSIONER WAITS: I know that.

35 CHAIRMAN MILLS: -- never going to happen.

36 COMMISSIONER WAITS: But it -- but it's critical. So I'm
37 saying, are you --

38 CHAIRMAN MILLS: Right.

39 COMMISSIONER WAITS: -- looking at an evening meeting?
40 Late afternoon?

1 CHAIRMAN MILLS: Is that what you think we'd get more
2 people to?
3 COMMISSIONER WAITS: I don't know. You know your -- your
4 makeup. I think so.
5 We've got some people from boards here. What kind of --
6 daytime? Evening?
7 JOHN WILLIAMS: I'm pretty flexible. I'm retired. But I'm
8 a fixed income.
9 Any time. Any time. You know. I'm speaking for myself.
10 I --
11 CHAIRMAN MILLS: Yeah.
12 JOHN WILLIAMS: Of course I would be --
13 CHAIRMAN MILLS: How about --
14 JOHN WILLIAMS: Do the other board members need it again?
15 Only if they want it, I guess.
16 MONTE PRICE: If it's board members, generally across the
17 board, probably an evening would be better.
18 CHAIRMAN MILLS: Okay.
19 So that would be good. Starting at 6:00 o'clock?
20 COMMISSIONER ALLAN: 5:30?
21 CHAIRMAN MILLS: Think we can pull 5:30? Give people time
22 to get into town from work and --
23 COMMISSIONER ALLAN: Yeah? Because I know we have LEPC --
24 CASEY GUNTHER: Six (indiscernible), --
25 COMMISSIONER ALLAN: -- at 5:30.
26 CASEY GUNTHER: -- by the way.
27 COMMISSIONER ALLAN: 6:00? You think 6:00?
28 CHAIRMAN MILLS: Pardon?
29 COMMISSIONER ALLAN: Well, you just have to --
30 CASEY GUNTHER: 6:00 o'clock is what --
31 COMMISSIONER ALLAN: -- drive --
32 CASEY GUNTHER: -- I think --
33 COMMISSIONER ALLAN: -- further.
34 CASEY GUNTHER: -- would be better.
35 CHAIRMAN MILLS: 6:00 o'clock?
36 Okay.
37 So what --
38 COMMISSIONER ALLAN: You want --
39 COMMISSIONER BAKKER: Saturday.
40 COMMISSIONER ALLAN: No, not --

1 CHAIRMAN MILLS: We could do --
2 COMMISSIONER ALLAN: Nobody's going --
3 CHAIRMAN MILLS: -- this.
4 COMMISSIONER ALLAN: -- to come on --
5 CHAIRMAN MILLS: Saturday?
6 COMMISSIONER ALLAN: -- Saturday.
7 CHAIRMAN MILLS: That'd be awesome.
8 COMMISSIONER BAKKER: I'm joking.
9 COMMISSIONER WAITS: Maybe --
10 COMMISSIONER ALLAN: Do you --
11 COMMISSIONER WAITS: -- not.
12 COMMISSIONER ALLAN: -- want -- maybe -- do you want -- you
13 looking into maybe sometime in February?
14 CHAIRMAN MILLS: Well, yeah.
15 COMMISSIONER ALLAN: February 15th?
16 CHAIRMAN MILLS: Do it on a Thursday night?
17 I'm good.
18 CHAIRMAN MILLS: I'm all right with that.
19 COMMISSIONER WAITS: I'm good.
20 KYLA BRIGHT: Just to say on that, with the Austin board
21 members, the --
22 Kyla Bright, for the record.
23 There's a couple of them coming from Austin, let's say. And
24 they -- just on your 15th note, they'll be there at 6:00 o'clock
25 the night before too.
26 So kind of a little thought as far as your travelers from
27 board members from Austin.
28 COMMISSIONER ALLAN: And I think in situations like that,
29 we've already offered to cover -- cover their stay.
30 COMMISSIONER BAKKER: Austin?
31 Frank?
32 MITESHELL LANHAM: We're here.
33 COMMISSIONER BAKKER: Any suggestions?
34 MITESHELL LANHAM: Do you want to do 15th?
35 LOUIS LANI: Well, this is Louis Lani here in Austin. And
36 it looked like you skipped public comment on number -- Item
37 Number 13.
38 COMMISSIONER ALLAN: Oh, thank you, Lou. We did.
39 COMMISSIONER BAKKER: Okay.
40 CHAIRMAN MILLS: Oh, okay.

1 Well, we were getting lots of comments. So I -- all right.
2
3

4 **PUBLIC WORKS**
5

6 **13) Discussion for possible action regarding a reduction in the**
7 **water and sewer rates for senior citizens and low-income**
8 **residents of Battle Mountain, Nevada, and all other matters**
9 **properly related thereto.**
10

11 CHAIRMAN MILLS: Do you have a public comment on Item 13?

12 LOUIS LANI: Yes, I do. I just wonder, you know, if
13 setting this up for rate increases or decreases or whatever, is
14 Battle Mountain the only one in Lander County that has senior
15 citizens and low-income people?

16 COMMISSIONER WAITS: What's your point?

17 COMMISSIONER ALLAN: Yeah.

18 CHAIRMAN MILLS: We're afraid to answer that question.

19 COMMISSIONER WAITS: We -- we aren't --

20 UNIDENTIFIED PARTICIPANT: (Indiscernible.)

21 COMMISSIONER WAITS: We aren't talking --

22 UNIDENTIFIED PARTICIPANT: (Indiscernible.)

23 COMMISSIONER WAITS: -- about Water and Sewer #2.

24 COMMISSIONER BAKKER: Yeah, we --

25 LOUIS LANI: Forty-some years that I put in on the board
26 here, Austin is a community that probably has 50 to 60 percent
27 of senior citizens on fixed incomes.

28 And if you make a big increase or -- in Battle Mountain, is
29 that going to apply to all of Lander County, like Kingston, Gilman
30 Springs, and Austin?

31 COMMISSIONER WAITS: No. It just only is for Battle
32 Mountain.

33 COMMISSIONER CLARK: Yeah, we have no jurisdiction over
34 your water department down there.

35 COMMISSIONER WAITS: We have --

36 LOUIS LANI: They have no --

37 COMMISSIONER WAITS: -- no jurisdiction.

38 LOUIS LANI: -- jurisdiction over the water department
39 because it's (indiscernible) district. But how about Kingston
40 and Gilman Springs?

1 COMMISSIONER WAITS: No, we have --
2 No. They're all on their own too.
3 Anyway, we didn't do anything, unfortunately. But there's
4 nothing we can do right now.
5 LOUIS LANI: Well, I'd like to go on the record to be
6 stating that we get inform -- informed on this one here, if you
7 could, please.
8 COMMISSIONER BAKKER: We'll do.
9 CHAIRMAN MILLS: Okay.
10 LOUIS LANI: (Indiscernible) --
11 CHAIRMAN MILLS: So --
12 LOUIS LANI: -- (indiscernible). I don't know if he had a
13 que- -- comment or not.
14 COMMISSIONER BAKKER: Well, I was asking on the boards,
15 Frank.
16 FRANK WHITMAN: (Indiscernible) --
17 CHAIRMAN MILLS: Having a special --
18 FRANK WHITMAN: -- (indiscernible) --
19 CHAIRMAN MILLS: -- commission meeting on --
20 FRANK WHITMAN: -- for the water, if I recall; right? I
21 had to step out for a moment.
22 COMMISSIONER WAITS: No.
23 FRANK WHITMAN: I --
24 COMMISSIONER WAITS: No.
25 FRANK WHITMAN: I'm -- I'm a little confused. Is this a
26 means-tested or simply a senior citizen, when they reach a
27 certain age get to --
28 COMMISSIONER BAKKER: Hey, Frank, we didn't take any
29 action. And it was for Battle Mountain Water and Sewer
30 District.
31 FRANK WHITMAN: Okay.
32 COMMISSIONER BAKKER: So it doesn't apply to the south.
33 FRANK WHITMAN: Okay. Okay. Thank you.
34
35
36
37
38
39
40

1 COMMISSIONERS

2
3 16) Discussion for possible action to select a date and time to
4 hold a special commission meeting that will include all
5 department heads, boards Category I, II, III, and IV, and an
6 invitation to all elected officials to set goals for the
7 upcoming budget year, and all other matters properly related
8 thereto.
9

10 COMMISSIONER BAKKER: But I have a question for the boards
11 on 16 for you, Frank.

12 FRANK WHITMAN: Yes.

13 COMMISSIONER BAKKER: What day did you guys say again?

14 COMMISSIONER ALLAN: The 15th.

15 COMMISSIONER BAKKER: The 15th at 6:00 p.m. of February?

16 FRANK WHITMAN: Let me -- hold on.

17 COMMISSIONER WAITS: I kind of like the Saturday.
18 Actually, that's not too bad. Because if the weather's bad or
19 something, it's much nicer driving in the daytime.

20 COMMISSIONER BAKKER: Sunday after church.

21 COMMISSIONER WAITS: No, not Sunday.

22 CHAIRMAN MILLS: No.

23 COMMISSIONER WAITS: But maybe a Saturday.

24 UNIDENTIFIED PARTICIPANT: (Indiscernible.)

25 FRANK WHITMAN: I believe I can make that on February 15th.
26 I'll let Ray know.

27 And is this to review a -- an ethics class? Because I've
28 taken two of those classes.

29 COMMISSIONER BAKKER: No, this is just for -- I think what
30 Chairman Doug Mills wants is for the boards to come together and
31 just kind of discuss their thoughts and goals for the -- this
32 coming year.

33 COMMISSIONER WAITS: Yeah. Read the Agenda Number 16.
34 That's what we're looking at.

35 FRANK WHITMAN: Okay. I got it. All right.

36 COMMISSIONER WAITS: Thank you.

37 FRANK WHITMAN: February 15th. I've got it marked down.

38 COMMISSIONER WAITS: No, no. We haven't voted yet. Don't
39 do that.

40 FRANK WHITMAN: All right.

1 LOUIS LANI: Well, this is Louis Lani again. Now on Item
2 Number 16, is that just strictly for department heads? Or is it
3 kind of an open to the public?
4 COMMISSIONER BAKKER: It's open for all board members and
5 department heads and elected officials.
6 LOUIS LANI: Very good. That answered my question there.
7 Thank you.
8 COMMISSIONER ALLAN: Well, Lou, I think --
9 COUNTY CLERK SULLIVAN: It is open.
10 COMMISSIONER ALLAN: It is open to the public.
11 CHAIRMAN MILLS: It is --
12 COMMISSIONER BAKKER: Oh.
13 CHAIRMAN MILLS: It is open --
14 COMMISSIONER BAKKER: Yeah.
15 CHAIRMAN MILLS: -- to --
16 COMMISSIONER BAKKER: It's open --
17 CHAIRMAN MILLS: -- the public.
18 COMMISSIONER BAKKER: -- to the public --
19 CHAIRMAN MILLS: It's --
20 COMMISSIONER BAKKER: -- too.
21 CHAIRMAN MILLS: -- an open meeting.
22 COMMISSIONER BAKKER: Yeah.
23 CHAIRMAN MILLS: All right. So February 15th at 6:00?
24 COMMISSIONER BAKKER: But they're all open to the public.
25 I mean.
26 COMMISSIONER CLARK: I have a -- I have a question. We've
27 crossed this bridge before about having commissioner meetings.
28 And fiscal neutrality is the rule.
29 So I just want to throw that out --
30 CHAIRMAN MILLS: Well, --
31 COMMISSIONER CLARK: -- there.
32 CHAIRMAN MILLS: -- good point. Ted, does that cause us
33 any problems?
34 DISTRICT ATTORNEY HERRERA: It depends on how it -- where
35 it impacted fiscally.
36 CHAIRMAN MILLS: So it's a -- well, it is an -- it's a
37 meeting in the evening. That would require overtime.
38 DISTRICT ATTORNEY HERRERA: Well, if it's a regularly
39 scheduled meeting. If it's a special meeting, it's -- it
40 doesn't have to fall under the same standard.

1 CHAIRMAN MILLS: Okay. Well, that answers that.
2 DISTRICT ATTORNEY HERRERA: Because --
3 CHAIRMAN MILLS: (Indiscernible.)
4 DISTRICT ATTORNEY HERRERA: -- the fiscal neutral- --
5 neutrality has to do with the man- -- mandatory one a month.
6 And for those counties that have two every month, then, to
7 change that, it has to be fiscally neutral to change times or
8 dates.
9 But we're -- we're contemplating a special meeting.
10 CHAIRMAN MILLS: Okay.
11 COMMISSIONER ALLAN: So on this meeting, are we going to
12 have things agendized?
13 CHAIRMAN MILLS: I mean --
14 COMMISSIONER ALLAN: Or is it just going to be kind of --
15 CHAIRMAN MILLS: No.
16 COMMISSIONER ALLAN: -- everybody --
17 CHAIRMAN MILLS: The --
18 COMMISSIONER ALLAN: -- come in and --
19 CHAIRMAN MILLS: It's going to be agendized for each --
20 COMMISSIONER BAKKER: Needs to be structured.
21 CHAIRMAN MILLS: Each department will have their time to
22 speak and let us know their -- their goals, their concerns,
23 their -- their budget items they're looking for.
24 What we'll -- we'll -- when we send out the notice to them,
25 it'll have a -- we'll have a list of things we want them to
26 address.
27 And then we'll go -- we'll go -- we'll go board by board and
28 go through the whole thing.
29 CHAIRMAN MILLS: So it will be in essence a special meeting
30 of the county commissioners and agendize the individual boards.
31 CHAIRMAN MILLS: Right.
32 COMMISSIONER ALLAN: Okay.
33 COMMISSIONER CLARK: And you're going --
34 CHAIRMAN MILLS: Okay.
35 COMMISSIONER CLARK: -- to start at 6:00 o'clock? And
36 you're going to be done at --
37 CHAIRMAN MILLS: Midnight. Yeah.
38 COMMISSIONER CLARK: -- 6:00 in the morning?
39 CHAIRMAN MILLS: Well, hopefully -- hopefully we can do
40 it -- each -- each board will do it fairly quickly. I don't --

1 I don't, you know --

2 COMMISSIONER ALLAN: Hopefully.

3 CHAIRMAN MILLS: Hopefully. I don't know. Like we've
4 never done it. So we'll see what happens.

5 COMMISSIONER CLARK: Casey? Come on up here so we can hear
6 you.

7 CASEY GUNTHER: Casey Gunther, for the record. I'm the
8 chairman of the Livestock Event Center Advisory Board.

9 I'm not sure the purpose of having the meeting all at one
10 time for every single board other than the fact that maybe you
11 want to get everybody at one time. Why not -- and I'm not sure
12 the exact number of the boards in the county that would have to
13 be present. By why not add three or four board -- boards to
14 each agenda for the regularly scheduled commission meetings and
15 have the updates then at the commission meeting?

16 CHAIRMAN MILLS: Well, part of my idea on doing this was
17 that we get some more communication with the whole county, that
18 everybody knows what everyone else is doing --

19 CASEY GUNTHER: Uh-huh.

20 CHAIRMAN MILLS: -- and -- and what their goals and -- and
21 ideas are for the year.

22 I was also hoping that maybe as people express their goals
23 and ideas that some of the others might have ideas to help them
24 accomplish those goals or -- that way I want to everybody on the
25 same page at the same time --

26 CASEY GUNTHER: Uh-huh.

27 CHAIRMAN MILLS: -- is -- is kind of what I'm looking for.

28 CASEY GUNTHER: Okay. I can understand that.

29 COMMISSIONER BAKKER: If that makes sense.

30 COMMISSIONER CLARK: You have something --

31 CASEY GUNTHER: I was thinking, --

32 COMMISSIONER CLARK: -- to say?

33 CASEY GUNTHER: -- it's going to be a long, long meeting.

34 CHAIRMAN MILLS: It --

35 COMMISSIONER ALLAN: And --

36 CHAIRMAN MILLS: -- probably will.

37 COMMISSIONER ALLAN: Well, it's -- I guess we could change
38 the date and do like we do during budgets or, you know, old time
39 when they had the budgets run two days, is set it for one day
40 and if we have the carry over for the next. Of course, that's

1 still trying to get everybody at once. I think --

2 COMMISSIONER CLARK: You can always do that. If you don't
3 get finished with your agenda, you can carry it over to the next
4 day.

5 COMMISSIONER ALLAN: But wouldn't we have to put that on
6 the agenda that we could ha- -- run into a second day?

7 Yeah.

8 CHAIRMAN MILLS: Yeah.

9 COMMISSIONER ALLAN: That would be taking -- carrying it
10 into Saturday, then, and hope everybody comes back.

11 CHAIRMAN MILLS: Well, the 15th is a Thursday.

12 COMMISSIONER ALLAN: Or Friday, yeah.

13 CHAIRMAN MILLS: Yeah.

14 COMMISSIONER ALLAN: Sorry.

15 CHAIRMAN MILLS: So I don't -- the intent's not to make it
16 a long, drawn-out meeting.

17 And, you know, after today we see that that happens anyway.

18 But I -- I still want to push forward and try to do this.

19 I want -- I'm -- I'm -- I'm willing to look and to try and
20 get some more -- possibly some unity and some communication going
21 on in the county so that everybody knows what everyone else is
22 doing, their concerns, some things out there, so that everybody's
23 informed. Because we have a huge lack of communication in the
24 county.

25 COMMISSIONER CLARK: So we're going to have the school
26 board and the hospital board come also?

27 COMMISSIONER WAITS: They're not part of our boards.

28 CHAIRMAN MILLS: I don't --

29 COMMISSIONER ALLAN: No.

30 CHAIRMAN MILLS: -- think -- I don't think we're going to
31 worry about them at this meeting.

32 COMMISSIONER CLARK: Okay.

33 COMMISSIONER BAKKER: Okay.

34 COMMISSIONER WAITS: I am wondering, though, if we do it --
35 if -- if you call it more in the afternoon and we go into the
36 evening a little bit, you've got, like, your department heads
37 and -- and people here that are still at work, which isn't all
38 that bad either. And then the ones that can come in afterwards.
39 Depends on how you -- how you --

40 COUNTY CLERK SULLIVAN: (Indiscernible.)

1 COMMISSIONER WAITS: -- schedule it.
2 CHAIRMAN MILLS: How -- how we agendize --
3 COMMISSIONER WAITS: But that might --
4 CHAIRMAN MILLS: -- it?
5 COMMISSIONER WAITS: -- be kind of good.
6 COMMISSIONER BAKKER: Probably a good idea.
7 CHAIRMAN MILLS: That's not bad.
8 COMMISSIONER WAITS: Then they'd go maybe --
9 COMMISSIONER BAKKER: 9:00 a.m.
10 COMMISSIONER WAITS: -- 3:00 to 6:00.
11 CHAIRMAN MILLS: So we could start at --
12 COMMISSIONER WAITS: (Referring to Commissioner Bakker's
13 comment.) 9:00 a.m.
14 CHAIRMAN MILLS: We could start at 4:00 o'clock?
15 COMMISSIONER WAITS: Well, I was thinking --
16 COMMISSIONER ALLAN: Or even --
17 COMMISSIONER WAITS: -- 3:00, but --
18 COMMISSIONER ALLAN: -- 3:00.
19 COMMISSIONER WAITS: Yeah.
20 CHAIRMAN MILLS: 3:00 o'clock?
21 COMMISSIONER WAITS: Yeah.
22 COMMISSIONER BAKKER: Okay.
23 COMMISSIONER ALLAN: Do -- do department heads first and --
24 COMMISSIONER BAKKER: Elected officials? But --
25 COMMISSIONER ALLAN: We might --
26 COMMISSIONER BAKKER: -- they're going to come before us
27 there in budgets anyway.
28 COMMISSIONER WAITS: Yeah. But he wants them --
29 CHAIRMAN MILLS: Well, --
30 COMMISSIONER WAITS: -- here.
31 CHAIRMAN MILLS: -- this is more than --
32 COMMISSIONER WAITS: He wants them --
33 CHAIRMAN MILLS: -- just --
34 COMMISSIONER WAITS: -- here.
35 CHAIRMAN MILLS: -- budget.
36 COMMISSIONER BAKKER: Okay.
37 CHAIRMAN MILLS: So...
38 COMMISSIONER BAKKER: Okay.
39 COMMISSIONER ALLAN: We're still not going to get everybody
40 here at the same time.

1 CHAIRMAN MILLS: No.
2 COMMISSIONER ALLAN: But --
3 CHAIRMAN MILLS: That's never going to happen.
4 COMMISSIONER ALLAN: No.
5 Well, I'll make a motion, then, that we hold a special
6 commission meeting that will include all department heads, board
7 Categories I, II, III, and IV, and invite all elected officials
8 for this meeting to be held February 15th at -- 2018 at
9 3:00 o'clock.
10 COMMISSIONER BAKKER: Second.
11 CHAIRMAN MILLS: Okay. Judie made a motion. Sean
12 seconded.
13 Do we have any public comment?
14 COUNTY CLERK SULLIVAN: Question. Sadie Sullivan, for the
15 record.
16 Keith, do you want to publish this? Or do you want our
17 office to publish this?
18 KEITH WESTENGARD: You guys go ahead. We'll -- if you
19 publish it, we'll work on the agenda.
20 COUNTY CLERK SULLIVAN: Okay. Thank you.
21 KEITH WESTENGARD: Uh-huh. Thanks.
22 COMMISSIONER BAKKER: Thank you, --
23 COMMISSIONER WAITS: Is your staff --
24 COMMISSIONER BAKKER: -- Sadie.
25 COMMISSIONER WAITS: -- okay with that -- that time frame,
26 Sadie?
27 COUNTY CLERK SULLIVAN: Yes. For that day, yes.
28 KEITH WESTENGARD: February 15th at --
29 COMMISSIONER WAITS: Okay.
30 KEITH WESTENGARD: -- 3:00 o'clock.
31 COMMISSIONER WAITS: Thank you.
32 CHAIRMAN MILLS: Okay. All in favor?
33 COMMISSIONER BAKKER: Aye.
34 COMMISSIONER ALLAN: Aye.
35 CHAIRMAN MILLS: Aye.
36 COMMISSIONER WAITS: Aye.
37 COMMISSIONER CLARK: (Indiscernible.)
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40

1 17) Discussion for possible actoin regarsding the scheduled
2 Lander County Commission meeting scheduled for February 8,
3 2018, and the possibility of changing the date to February 7,
4 2018, and all other matters properly related thereto.
5

6 CHAIRMAN MILLS: Item 17. Discussion for possible action
7 regarding the sche- -- scheduled Lander County Commission
8 meeting scheduled for February 8th, 2018, and the possibility of
9 changing the date to February 7, 2018, and all other matters
10 properly related thereto.

11 COMMISSIONER CLARK: I asked for this because I have a
12 state lands meeting in -- in Vegas. And, you know, we don't
13 know how long meetings will go on Thursdays. And it's a Friday
14 meeting. It starts, like, 8:00 o'clock. So --

15 If we change it, I can go. If we don't change it, I can't
16 go. Because I -- I won't miss a commissioners' meeting for some
17 other meeting.

18 COMMISSIONER WAITS: It actually starts on the 9th, but you
19 couldn't drive down in the afternoon? Is that what you're
20 saying?

21 COMMISSIONER CLARK: That's exactly what I'm saying, Patsy.

22 COMMISSIONER WAITS: Okay. I wanted to clarify it because
23 I do it all the time. So I wondered.

24 COMMISSIONER CLARK: Well, good for you.

25 COMMISSIONER WAITS: Yeah.

26 CHAIRMAN MILLS: Let's -- it's my understanding that there
27 are posting requirements in order to change the date of a
28 meeting and we will not fit within those posting requirements,
29 even if we decide to make that change.

30 COMMISSIONER CLARK: For --

31 CHAIRMAN MILLS: There's --

32 COMMISSIONER CLARK: -- February?

33 CHAIRMAN MILLS: Was it two weeks? Is it two weeks we have
34 to --

35 COUNTY CLERK SULLIVAN: Right.

36 CHAIRMAN MILLS: Yeah. We -- we won't fit within our
37 two-week notification requirement. So there's not much --
38 I mean, we kind of can't, as I understand it.

39 COMMISSIONER CLARK: Okay.

40 COMMISSIONER ALLAN: Well, maybe Doug could fly you.

1 CHAIRMAN MILLS: Any other discussion on that one?
2 (No comment.)
3

4 18) Discussion for possible action regarding an additional county
5 position within the Lander County Treasurer's office, and all
6 other matters properly related thereto.
7

8 CHAIRMAN MILLS: Okay. We'll move on to Item Number 18.
9 Discussion for possible action regarding additional county
10 position within the Lander County Treasurer's office, and all
11 other matters properly related thereto.

12 GENE ETCHEVERRY: Good afternoon, Mr. Chairman, members of
13 the commission.

14 CHAIRMAN MILLS: Gene.

15 GENE ETCHEVERRY: With changes that have occurred in my
16 office, a whole lot of them over a fairly short period of time,
17 and, of course, the audit being delayed, generally because of
18 our office, it was bantered about a little bit with the auditors
19 and certainly with the Department of Taxation that another
20 position in our office would be something that could help in not
21 only transition -- in a future transition, which, of course,
22 will come next year, but in implementing the -- the reengineered
23 processes that we have in our office as well as the upcoming
24 conversions.

25 I believe it was stated before that we have two sides to our
26 office. We have the main side, which is the interface with the
27 Assessor's Office for the billing and then collection of tax
28 revenue for property tax, et cetera.

29 And then on the other side, of course, is our daily
30 business, which is financial. We have to interface with the
31 finance side, now all encompassed in ADS, as much as we do with
32 the assessor's side.

33 So on the assessor's side, we are going with DevNet. On the
34 financial side, of course, we're going with Tyler.

35 And so on top of a reengineered process and putting all of
36 our processes into documentation for future folks that occupy
37 those positions and then adding onto that two separate
38 conversions, it appears that a position in our office has become
39 necessary.

40 And -- hard for me to say it. I dug my heels in, as some

1 of us know, and said we don't need that.

2 But sometimes that's -- that's me looking at how the office
3 has been.

4 It's only been the last -- well, I was out here for four
5 years -- six years, let's say, that we had the treasurer and three
6 full-time positions.

7 Before, it was the treasurer, two-full time and one part-time
8 position.

9 So, yeah, based on that, I did dig in my heels a little bit.
10 But going through what we've been through the past three months,
11 it's pretty obvious that another position, junior in level, that
12 would be able to oversee things like do we post revenues? Do we
13 post them accurately, timely? Do we have all the appropriate
14 backup in place for those revenues?

15 And -- and the reengineered process, this is -- this will
16 become a daily thing. And so it will probably occupy one person's
17 time fairly well.

18 Now, that position, the money is there in the current budget
19 and certainly would be there, put into the budget request that's
20 due -- I believe it's a week from next Friday -- it would be at
21 the level of a deputy treasurer, which now in -- in our position
22 roster there is a deputy recorder position at this level, grade
23 16, I believe, \$16.53 an hour.

24 So it kind of subordinates that position to the lowest
25 position we have now and not creating a situation where we have to
26 realign the positions that are already there and create some
27 fairness to our newest team member. It would be hard to bring
28 someone in, particularly for a newly created position and they're
29 making the same wage for possibly reduced duties and
30 responsibilities.

31 In a nutshell, that's it.

32 It would be a union-represented position. So before going
33 out internally or -- or externally, we would have to clear this
34 with the union. I don't foresee a problem there, but one never
35 knows.

36 COMMISSIONER BAKKER: Okay.

37 CHAIRMAN MILLS: Okay. And -- and just for the record --
38 and I know the -- the reasons you've given for hiring a new
39 person are -- are good and valid, I believe.

40 I do want to mention that Kelly Langley at the taxation

1 department has been requesting this of us for a while. And I
2 know she's going to be checking on us. And I think some of
3 her -- her reasoning is -- is also valid.

4 But I wanted to -- since we got our audit report today and it
5 does have segregation duties in the Treasurer's Office, will --
6 will putting another person in there help you with that?

7 GENE ETCHEVERRY: Yes. Chairman --

8 CHAIRMAN MILLS: Okay.

9 GENE ETCHEVERRY: -- Mills. That is -- is unspoken to this
10 point, but it is key to this position.

11 We're used to handling it, so to speak. And sometimes when
12 we do, be it myself, which is a little higher level of risk, but
13 my chief deputy, senior deputy, or our deputy, there are times,
14 just because there are only that many people in the office, that
15 you are going to receive revenue, receipt revenue, account for the
16 revenue, and then at the end of the day, you're signing off.

17 I know it's comfortable to say, well, that's the way it is in
18 a small office. That's the way it's always been. Valid. Always
19 valid. But it doesn't meet what we would call minimum standards.

20 And I think the illustration of it was we had had an
21 instance where someone bought a cemetery plot. And forever and
22 a day, the treasurer is the person who handles that from
23 purchasing, to facilitating our public works department doing
24 what they have to do in -- in our cemeteries. And it just so
25 happened that that particular transaction was witnessed in full
26 by our auditors while they were here.

27 COMMISSIONER WAITS: And you said you have it in your
28 budget until the end of June; right?

29 GENE ETCHEVERRY: That's correct.

30 COMMISSIONER WAITS: Okay. Thank you.

31 COMMISSIONER BAKKER: I'll make a motion to approve an
32 additional county position within the Lander County Treasurer's
33 Office.

34 Anyone?

35 COMMISSIONER WAITS: Effective...

36 COMMISSIONER BAKKER: Well, I need to -- as soon as --
37 effective as soon as the union agrees to the position.

38 Because don't you still have to --

39 GENE ETCHEVERRY: Yes.

40 COMMISSIONER BAKKER: -- run it through the union?

1 GENE ETCHEVERRY: Commissioner Bakker, yes, we do. And I
2 will get on the phone as soon as I leave this room.

3 COMMISSIONER BAKKER: And the money's in your budget now.

4 GENE ETCHEVERRY: Yes, it is.

5 COMMISSIONER WAITS: I'll second the motion.

6 COMMISSIONER BAKKER: Okay.

7 CHAIRMAN MILLS: Okay. Sean made a motion. Patsy
8 seconded.

9 Do we have any public comment?

10 (No comment.)

11 CHAIRMAN MILLS: All in favor?

12 COMMISSIONER BAKKER: Aye.

13 CHAIRMAN MILLS: Aye.

14 COMMISSIONER ALLAN: Aye.

15 COMMISSIONER WAITS: Aye.

16 COMMISSIONER CLARK: Aye.

17 COMMISSIONER BAKKER: Okay.

18 GENE ETCHEVERRY: Thank you very much.

19 COMMISSIONER BAKKER: Thank you.

20 CHAIRMAN MILLS: Thank you.

21 COMMISSIONER CLARK: You're welcome, Gene-O.

22 GENE ETCHEVERRY: And I'm sure taxation will thank you as
23 well.

24 CHAIRMAN MILLS: I'm sure they will be --

25 COMMISSIONER CLARK: Yeah.

26 CHAIRMAN MILLS: -- excited.

27 COMMISSIONER CLARK: They'll -- they'll get more revenue
28 from employee taxes.

29
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31 **CORRESPONDENCE**

32
33 **21) Correspondence, reports, potential upcoming agenda items.**

34
35 CHAIRMAN MILLS: Okay, 21. Correspondence, reports,
36 potential upcoming agenda items.

37
38 (The following correspondence was received:

39 1. State of Nevada, Department of Conservation & Natural
40 Resources, letter to Ormat Nevada, Inc. regarding issuance of

1 permit to construct authorization for McGinness Hills 3
2 Geothermal Project, FIN A1271.

3 2. United States Department of the Interior, Bureau of
4 Land Management, Idaho State Office, regarding plan to prepare
5 two Programmatic Environmental Impact Statements on fuel breaks
6 and fuel treatments and habitat restoration in order to address
7 fire and noxious/invasive weed infestations on public lands.

8 3. Elko County Board of Commissioners, announcement of
9 naming of chair and vice chair and attachment of Elko County
10 Board of Commissioners' 2018 schedule.

11 4. Nevada Association of Counties to Keith Westengard,
12 recognizing support of NACO and payment of membership dues for
13 2018.

14 5. United States Department of the Interior, Bureau of
15 Land Management, Mount Lewis Field office to interested public,
16 regarding completion of analysis of Ormat Inc proposal for an
17 expansion to their McGinness Hills Geothermal facility.

18 6. United States Department of Interior, Bureau of Land
19 Management, Battle Mountain District Office to interested
20 public, regarding Environmental Assessment analyzing impacts of
21 a proposed June 2018 Competitive Oil and Gas Lease Sale.)
22

23 COMMISSIONER WAITS: I would like to have the one on the
24 agenda for -- for comments or our action regarding the regionals
25 of BLM. I gave you the map.

26 KEITH WESTENGARD: We can do it next time if you'd like.
27 Or --

28 COMMISSIONER WAITS: Yeah.

29 KEITH WESTENGARD: Okay.

30 CHAIRMAN MILLS: To address some of the stuff we talked
31 today, I'd like to start with --

32 JEANNE FALZONE: Be sure and tell them you won't be --

33 CHAIRMAN MILLS: -- working towards --

34 JEANNE FALZONE: -- here the 22nd.

35 CHAIRMAN MILLS: -- finding out --

36 DISTRICT ATTORNEY HERRERA: Why not --

37 CHAIRMAN MILLS: -- some things --

38 DISTRICT ATTORNEY HERRERA: -- you tell them?

39 CHAIRMAN MILLS: -- about requiring some --

40 JEANNE FALZONE: Huh?

1 DISTRICT ATTORNEY HERRERA: Why don't you tell them?
2 CHAIRMAN MILLS: -- board members to have ethics training.
3 JEANNE FALZONE: (Indiscernible.)
4 CHAIRMAN MILLS: And then we'll have it come back to us in
5 the future. And it's probably going to be a while before we get
6 to that. But we need to start addressing that and looking into
7 that.
8 COMMISSIONER BAKKER: Okay.
9 CHAIRMAN MILLS: I don't have anything else.
10 COMMISSIONER BAKKER: Public comment.
11
12


13 **PUBLIC COMMENT**
14

15 COMMISSIONER BAKKER: Okay. We'll go into public comment
16 for nonagendized items only.
17 Persons are invited to submit comments in writing and/or
18 attend and make comments on any nonagenda item at the board
19 meeting, if any, and discussion of those comments at the
20 discretion of the board. All public comment may be limited to
21 three minutes per person, again at the discretion of the board.
22 Reasonable restrictions may be placed on public comment based
23 upon time, place, and manner, but public comment based upon
24 viewpoint may not be restricted.
25 Do we have any public comment?
26 (No comment.)
27 CHAIRMAN MILLS: Motion to adjourn?
28
29

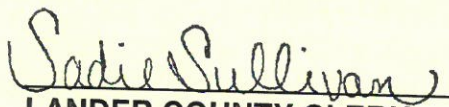
30 **ADJOURNMENT**
31

32 COMMISSIONER BAKKER: I make a motion to adjourn.
33 COMMISSIONER WAITS: Second.
34 CHAIRMAN MILLS: All in favor?
35 COMMISSIONER BAKKER: Aye.
36 COMMISSIONER WAITS: Aye.
37 CHAIRMAN MILLS: Aye.
38 COMMISSIONER ALLAN: Aye.
39 COMMISSIONER CLARK: Aye.
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**CHAIRMAN OR VICE CHAIRMAN OF THE
BOARD OF LANDER COUNTY
COMMISSIONERS AND THE LANDER
COUNTY LIQUOR BOARD**

ATTEST: 
LANDER COUNTY CLERK

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