

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 March 22, 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**  
15  
16

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

21           CHAIRMAN MILLS: -- this Lander County Commission meeting,  
22 Town Board of Battle Mountain and Austin, Board of County  
23 Highway Commissioners, March 22nd, 2018.

24           Please join us in the Pledge of Allegiance. Sean, will you  
25 lead us.  
26

27           (Pledge of Allegiance)  
28

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

32           (Moment of silence)  
33

34           CHAIRMAN MILLS: Okay. Thank you.

35           Lander County Commissioners may break for lunch from  
36 1:00 p.m. [verbatim] to 1:15 p.m. Any agenda item may be taken  
37 out of order, may be -- may be combined for consideration by the  
38 public body, and items may be pulled or removed from the agenda at  
39 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 actually have none.

7           CHAIRMAN MILLS: None? Okay.

8           Last night we did have a hospital board meeting. And we  
9 spent a considerable amount of time on our construction project.

10          We even had a -- a gentleman there from the state to watch --  
11 or listen in as we discussed that stuff because he's going to be  
12 doing our certificate of need. So he was there to watch us and  
13 kind of keep us in line a little bit as we discussed it.

14          And -- but just to reiterate, the main -- the main purpose of  
15 this construction is to get the -- the main part of it is to get  
16 IT in place because right now all of our IT equipment is jammed in  
17 a little closet and is totally inadequate for what we need.  
18 Especially as we move into seeking a new EHR program -- that's  
19 electronic health record -- we need -- we need some adequate place  
20 for the computer equipment to be. And we have to do some  
21 remodeling to make that happen.

22          Along with that, we're redefining some of the space into  
23 office space so that the hospital staff that's over in the John  
24 Peters building can get back into the main hospital where they  
25 belong.

26          Along with that, we're doing a small chapel over by the ER.

27          And we're going to expand physical therapy. And one of the  
28 important parts of that is physical therapy will be getting a  
29 wound care room. That's a nice little room so that they can do  
30 wound care in a -- in a more private and -- and a little more  
31 personal setting than out where everyone can watch. They have  
32 their wounds all exposed. And nobody wants to see all that when  
33 they're over there getting their physical therapy.

34          So we'll have a -- we'll have a separate room for that  
35 where they can be a little more private.

36          Another thing is that it -- it -- we're going to set up a  
37 place that's going to have a little bit more security for the  
38 mail. Right now the mail's just kind of out in the open.  
39 Everybody has access to it. We're -- so we're going to make  
40 that a little more secure.

1 We did talk about having a -- a board retreat. And we'll  
2 probably be doing that towards the end of May or June. We're  
3 finally getting that scheduled. We've been working on that for,  
4 like, two and a half years, have never done a board retreat. But  
5 we're finally going to get that done.

6 And I think that's about all I've got.

7 Sean?

8 COMMISSIONER BAKKER: Everything I have is on the agenda.

9 So...

10 Patsy?

11 CHAIRMAN MILLS: Patsy?

12 COMMISSIONER WAITS: Thank you.

13 On the 12th of March, we did have an Austin Airport advisory  
14 meeting. Of course, everything revolved around the Jet A fuel and  
15 the prebids that were going on, of course. And those came in  
16 yesterday. So I'll let Keith fill -- fill us in on those.

17 Also coming up the end of the month is the Nevada Rural  
18 Airport Association meeting in Minden.

19 And I was going to go because usually we have a couple of  
20 people with FAA that we can meet personally. And they like to  
21 have the commissioners involved too. But the two men we've always  
22 met with are not going to be at that meeting.

23 CHAIRMAN MILLS: Oh.

24 COMMISSIONER WAITS: And -- and so I didn't see any main  
25 reason to go for the rest of it. But Frank will be going and  
26 representing us. So we'll still have our representation. And,  
27 of course, J-U-B is going.

28 On the 15th of March, we had a scheduled Kingston Town  
29 meeting. But there was no quorum on that one. So we did not  
30 meet.

31 And on the 20th I had a Convention & Tourism. They did elect  
32 some new officers. The chair this year is Grady Pierce. And the  
33 vice chair is Rich Ripley.

34 We picked out an auditing firm. We're working hard on the  
35 budget, of course.

36 And Austin Chamber put in for some help with our new  
37 billboards for the mountain biking. Because I've reported  
38 before we've got some other help and some other grants that are  
39 coming in to help with the trails and the signs and everything  
40 again. So we actually got \$3600 for that to -- to move forward

1 to update those signs. They're in pretty bad shape and -- and  
2 kind of sorrowful. And they'll need a little bit of repair  
3 along with the -- the new advertising.

4 And our Nevada Health Center is in and running from the end  
5 of February. They're open two days a week, actually, 11:00 to  
6 6:00 on Tuesday and 8:00 to 3:00 on Wednesday and has been very  
7 well received because they have a sliding fee schedule, of  
8 course. And that's very important. And so that's all been  
9 good. So so far, so good. Austin looks good. Thank you.

10 COMMISSIONER CLARK: I've had no meetings.

11  
12  
13 **STAFF REPORTS**

14  
15 CHAIRMAN MILLS: Okay. We'll move to staff reports on  
16 meetings, conferences, and seminars attended.

17 KEITH WESTENGARD: Okay.

18 Just to a- -- address the -- the airport that was in  
19 Minden -- the airport meeting in Minden, Commissioner Mills and I  
20 did meet earlier this year with the FAA and J-U-B in person in  
21 Reno. And we did discuss a lot of our needs but with both  
22 airports. So we have met with them -- I think it was about two  
23 months ago -- in Reno. And we did -- did work on our five-year  
24 plan and the needs and wants of both airports.

25 I did receive a mosquito report from our mosquito person, our  
26 sprayer, Robin Gray. They did their first spray for biting  
27 mosquitoes on March the 10th. Kingston and Gilman will be  
28 included this year.

29 I have a full report here. If any of the commissioners  
30 would like to see it, I can make you copies. It's four pages  
31 long. But we're gearing up a little earlier this year. There's  
32 a little bit of extra money in that budget for him -- or for the  
33 spraying to take place.

34 Let's see.

35 We were a- -- approved by the FAA. I did receive a letter  
36 from the FAA earlier -- late -- last week for this year's coming  
37 up projects for our airport improvement projects, which they  
38 reimburse at 94 3/4 percent.

39 Our hangars will be going out to bid here within the next few  
40 weeks for the Battle Mountain Airport, the Austin Jet A project.

1 We did receive three bids. They are currently being reviewed by  
2 J-U-B. There's quite a bit of separation in the bids between the  
3 lowest at about 212- and the highest at 389,000.

4 So we've got quite a separation there. J-U-B's reviewing  
5 them to make sure that they -- they meet all the bid requirements.

6 Last several weeks, I've been -- attended several meetings  
7 with BLM and -- regarding the sage grouse. And the reason the  
8 urgency has come about is we are required, as part of the six  
9 western states, to prep- -- prepare and submit a report or a -- a  
10 draft EIS to Washington, D.C., by April 21st, which has moved  
11 timelines up significantly.

12 They want to implement -- or they -- I don't want say "they  
13 want." I don't want to say they want to implement. The plan is  
14 implement these restrictions by the end of this year. This has  
15 become top priority. As you know, it can deeply affect the state  
16 and the county.

17 So I had a meeting -- I was in Reno yesterday for a meeting.  
18 And a lot of good conversation. Hopefully we're going to get a  
19 good draft EIS put together. We have another couple meetings  
20 coming up in the next few weeks. Actually, one will even be on a  
21 weekend that we have to try to get all this stuff put together.

22 This includes northeastern Nevada. I'm sorry --  
23 northeastern California, Nevada, Wyoming, Montana, and Idaho.

24 So it's -- it's quite a -- quite a deal.

25 Some of the implementations that -- with this plan that they  
26 want to put forth are -- are pretty restrictive.

27 COMMISSIONER CLARK: So the plan will go forward?

28 KEITH WESTENGARD: Well, they -- the -- they want --  
29 Secretary Zinke wants this report in Washington, D.C., by  
30 April 21st for him to review.

31 COMMISSIONER CLARK: Okay.

32 KEITH WESTENGARD: The -- the plan or the -- the draft plan  
33 shows -- it wants -- they want to implement it by the end of  
34 this year. So it's -- it's a big deal.

35 COMMISSIONER CLARK: Implement it or not implement it?

36 KEITH WESTENGARD: Well, they -- they -- the way it's  
37 written, they want to implement it. So there's --

38 COMMISSIONER CLARK: Okay.

39 KEITH WESTENGARD: It -- it doesn't really show that  
40 they're -- there's a choice there. I mean, that's the planned

1 implementation date, is October to December, somewhere between  
2 October and December of 2018.

3 COMMISSIONER CLARK: So they'll review the EIS and then  
4 move forward with the types of restrictions that they think are  
5 --

6 KEITH WESTENGARD: Yes.

7 COMMISSIONER CLARK: -- reasonable.

8 KEITH WESTENGARD: Yes. And --

9 COMMISSIONER CLARK: But something will go forward.

10 KEITH WESTENGARD: It -- it -- it -- it -- I would say yes.

11 COMMISSIONER CLARK: Okay.

12 KEITH WESTENGARD: So -- and I -- I believe, if you don't  
13 mind me calling on you, Ted, to talk about the lawsuit that was  
14 --

15 DISTRICT ATTORNEY HERRERA: The -- well, the lawsuit, we  
16 were -- we were kicked out of the law- -- Lander County was  
17 kicked out of the lawsuit for lack of standing.

18 Most of the -- most of the plaintiffs were kicked out for  
19 lack of standing. There's two counties, Eureka, I believe, and --  
20 and Humboldt that -- that were allowed to stay in because they  
21 actually showed that -- that they had some type of injury ongoing.  
22 And we were unable to do that.

23 We were just trying to show potential inj- -- injury in the  
24 future and -- which is what we had.

25 So -- so the federal district judge kicked out, granted  
26 summary judgment against us, basically, for lack of standing.

27 And it's a 42-page decision. I can give a copy to any of the  
28 commissioners that -- that would. I have one right now if I --

29 If -- if anybody wants their individual copy, I can make  
30 copies for them.

31 COMMISSIONER WAITS: That's the one where Judge Du --

32 DISTRICT ATTORNEY HERRERA: Yes.

33 COMMISSIONER WAITS: -- presided. And she said the BLM was  
34 not meeting the qualifications that --

35 DISTRICT ATTORNEY HERRERA: That's true.

36 COMMISSIONER WAITS: -- were set and -- and really kind of  
37 chewed them out and said they should be cooperating with --

38 DISTRICT ATTORNEY HERRERA: Yeah.

39 COMMISSIONER WAITS: -- with the ones that were at the  
40 lawsuit at the table.

1 DISTRICT ATTORNEY HERRERA: Right.  
2 COMMISSIONER WAITS: Yeah.  
3 DISTRICT ATTORNEY HERRERA: So it's --  
4 COMMISSIONER WAITS: So it was good so far. But they still  
5 haven't done it.  
6 DISTRICT ATTORNEY HERRERA: No. No.  
7 COMMISSIONER WAITS: Okay.  
8 DISTRICT ATTORNEY HERRERA: So if -- if anybody wants a  
9 copy, just contact me or let me know and I'll give you full  
10 copy.  
11 KEITH WESTENGARD: We -- we did have, like Ted said, we had  
12 received injury, but that was not considered.  
13 You had to show actual in -- or economic --  
14 COMMISSIONER CLARK: Yeah.  
15 KEITH WESTENGARD: -- problems or issues.  
16 COMMISSIONER CLARK: Yeah. That was discussed in the first  
17 hearing too.  
18 KEITH WESTENGARD: Yeah.  
19 COMMISSIONER CLARK: Not being --  
20 KEITH WESTENGARD: -- to -- about --  
21 COMMISSIONER CLARK: -- able --  
22 KEITH WESTENGARD: -- the --  
23 COMMISSIONER CLARK: -- to prove --  
24 KEITH WESTENGARD: Uh-huh.  
25 COMMISSIONER CLARK: -- when -- when it's just obvious that  
26 in a year, there was going to be harm.  
27 KEITH WESTENGARD: Right.  
28 COMMISSIONER CLARK: But that was what the judge was hung  
29 up on.  
30 DISTRICT ATTORNEY HERRERA: Yes. But the judge -- again,  
31 as Patsy points out, the judge did -- did say that they -- they  
32 didn't do it right either.  
33 COMMISSIONER CLARK: Oh. No.  
34 DISTRICT ATTORNEY HERRERA: So...  
35 COMMISSIONER CLARK: The -- it came out in testimony that  
36 the science --  
37 DISTRICT ATTORNEY HERRERA: Yeah.  
38 COMMISSIONER CLARK: -- was phony --  
39 DISTRICT ATTORNEY HERRERA: So...  
40 COMMISSIONER CLARK: -- to begin with.

1 DISTRICT ATTORNEY HERRERA: But -- but she chose not to --  
2 she chose to put the -- to allow the procedure to stay in place,  
3 the judge did.

4 And she had -- what we were asking for was to enjoin it or to  
5 -- to just stop it. But she wouldn't do that.

6 That's the bottom line.

7 KEITH WESTENGARD: But that doesn't exclude us from  
8 anything that they put in place -- any restrictions that are put  
9 in place within this county. We still have -- are going to have  
10 to abide by those.

11 DISTRICT ATTORNEY HERRERA: Yeah.

12 KEITH WESTENGARD: Next is you're all well aware that we've  
13 been pretty busy with budgets. And we're going to have the  
14 tentative budget coming up that next commission meeting.

15 And that's all.

16 CHAIRMAN MILLS: Thank you.

17  
18  
19 **PUBLIC COMMENT**

20  
21 CHAIRMAN MILLS: We'll move to public comment for  
22 nonagendized items only.

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

31 Do we have any public comment?

32 COUNTY CLERK SULLIVAN: (Indiscernible.)

33 SHANNON BERUMEN: Good morning.

34 COMMISSIONER BAKKER: Good morning.

35 COMMISSIONER ALLAN: Good morning.

36 COMMISSIONER WAITS: Morning.

37 CHAIRMAN MILLS: Morning.

38 SHANNON BERUMEN: Shannon Berumen.

39 DONNA JOHNSON: Dawnette Johnson.

40 SHANNON BERUMEN: We're here today to give public comment,



1 to kind of give you guys a heads-up so that we can all start  
2 planning ahead that we would like to start up an adult softball  
3 league.

4 We would -- we have been approached -- many of us -- in --  
5 in the community have been approached about getting it back up  
6 and going and having it be a more successful kind of  
7 organization that our community can enjoy.

8 We've discussed some guidelines that we need to start with.  
9 And we -- we've just started the -- the process.

10 So we're going to be having a meeting March 30th at  
11 7:00 p.m. to discuss -- you know, we're going to put it out  
12 there on Facebook, put up some flyers, and see how many people  
13 we get interested, and then go over in that meeting setting up a  
14 board, setting up having rules and going through all of those  
15 processes, including waivers and restrictions, things like that.

16 COMMISSIONER ALLAN: Shannon?

17 SHANNON BERUMEN: Yes.

18 COMMISSIONER ALLAN: And where is that meeting?

19 SHANNON BERUMEN: We're hoping to try to have it at the rec  
20 center. We're waiting on permission to be able to do that.

21 So we're -- we're going to hopefully have it there. If not,  
22 we'll have it on the flyers or have it on Facebook where we're  
23 going to be able to have that.

24 We want to try to be able to get on the agenda for  
25 April 12th to have further discussion with you. That's why we  
26 wanted to try to get -- give you a heads-up so that you guys can  
27 put your heads together and -- and make sure you guys have all  
28 the information you're going to need to answer our questions  
29 too.

30 So, again, we do really want the league to be successful.  
31 And we don't want it to be just one person kind of running it and  
32 doing what they want with it. So we -- we are going to try to set  
33 up that board. And we will be setting up that board and -- and  
34 having accountability for that.

35 Our biggest discussion with -- with you guys is, of course,  
36 use of the fields out by the golf course.

37 And with that use of -- what are -- what it -- what does that  
38 entail for us? And what does that entail for you?

39 And so who is our direct line of contact for that? would be  
40 one of the questions that will come up.

1           Items that we've had in the past and some current now,  
2 because Little League does also utilize those public fields, is  
3 the lights, which Dawnette has said in the past that they have  
4 been fixed. And we're hoping that we can keep those maintained.

5           The field conditions. So the infield dirt on both fields  
6 is atrocious. Even for our kids to be playing Little League out  
7 there, it's atrocious.

8           And then, of course, the outfield with all the holes and  
9 the -- the gopher traps and everything that's going on out  
10 there.

11           And then also bases and bags. And whose responsibility will  
12 be. And, you know, are we picking those up? You know, I know  
13 there's a lot of little details that will have to be discussed for  
14 things.

15           Use of the crow's nest, of course, and the concession stand  
16 and what's -- what if anything needs to be done on -- it's -- is  
17 being done already to make sure that we're controlling the mice  
18 and the spiders and things like that in there and that it's safe  
19 to use too because the steps up to the crow's nest have not  
20 always in -- been in their best condition. I know because I  
21 fell through them a few years ago.

22           So the bleachers also. I mean, if we're trying to have a,  
23 you know, a -- the public come out there and be involved --

24           And people come out just to watch, you know, bring their  
25 kids out there and run around. And that's kind of how I grew up  
26 is -- well, my mom played when I was -- when pregnant with me.  
27 And then I grew up on a softball field. So --

28           So we want to make sure it's safe for people that come to  
29 watch and -- and bring their families as well.

30           Of use of the bathrooms. In the previous years we've had  
31 to have -- Little League actually had porta potties out there.  
32 And then when we were able to use the bathrooms, there was  
33 always problems with those.

34           So we want to make sure that -- that we're on the same page  
35 about that and what we need to be able to do for those.

36           The dugouts, of course, have always needed a little bit of  
37 work here and there.

38           And then having access to the gate key and the building  
39 keys and things like that and -- and what that will entail.

40           We're hoping to have, you know, our group be, you know, help

1 out and be responsible and give them duties as well to help with  
2 fields and things like that before games. But we -- we just want  
3 to make sure that we kind of have this outlined so that we can go  
4 over it in depth later. We do want to look into trying to get a  
5 liquor license for the concession stand and making sure that we're  
6 following the law with making sure we're not serving alcohol to  
7 minors and things like that. So we -- we are going to be looking  
8 into that.

9 And one of the big things we really want to look at and go  
10 over with the group is hosting tournaments to bring people into  
11 Lander County. Winnemucca, Elko, all places, Yerington, have  
12 huge tournaments that bring teams from California and Arizona to  
13 -- to their community. And that brings money into our  
14 community. So we are going to be looking at that as well.

15 We are going to send letters or actually deliver -- we're --  
16 we're contemplating having them hand delivered to every business  
17 that we can to ask them if they want to be on a list for  
18 sponsorship for teams and to see if they want to give donations  
19 for prizes.

20 We also want to be approaching the Convention & Tourism  
21 because that is kind of something that they might be interested in  
22 and see if they're going to be willing to help or -- or be  
23 involved in any way.

24 And then we've also looked into using a website called  
25 PlayerMania, which is free, to be able to put all of the  
26 information on it. It'll have our schedules. It'll have stats.  
27 It'll have all the league information so that we can track that  
28 and -- and provide that to anybody that's interested.

29 So we're hoping that you guys will be receptive and do your  
30 homework and be ready April 12th when we come.

31 COMMISSIONER BAKKER: Okay.

32 COMMISSIONER WAITS: Thank you.

33 CHAIRMAN MILLS: Okay.

34 CHAIRMAN MILLS AND COMMISSIONER BAKKER: Thank you.

35 COMMISSIONER ALLAN: Thank you.

36 SHANNON BERUMEN: Thank you.

37 COUNTY CLERK SULLIVAN: Sadie Sullivan, Lander County  
38 clerk.

39 I'm just going to go over a couple things real quick so  
40 then there's information that people have for our primary

1 elections and how many people filed for the seats.  
2 There will be a publication that will go out in the paper for  
3 the primary ballot.  
4 There's the U.S. Senate, the U.S. Representative in  
5 Congress District 2, governor, lieutenant governor, secretary of  
6 state, state treasurer, state comptroller, attorney general,  
7 State Senate District 14, State Assembly District 32, the  
8 University Board of Regents District 9.  
9 And for our local, we had one filing for the Kingston Town.  
10 And that will not be on the ballot. It's under a GID board. So  
11 that's an automatic in.  
12 We have just one that filed for assessor. That will not be  
13 on the primary ballot.  
14 Two for the clerk. That will not be on the primary ballot.  
15 Two for the district attorney. That will not be on the  
16 primary ballot.  
17 Those will all be in the general. So if I say they're not  
18 on the primary, expect them on the general.  
19 Two for the recorder. Not on the primary.  
20 We have three for sheriff. That will be on the primary  
21 ballot.  
22 We have two for the treasurer. Will not be on the primary  
23 ballot.  
24 District 1 for commissioner. That will be on the primary  
25 ballot.  
26 District 2 for commissioner. That will be on the  
27 primary.  
28 Commissioner District 5 will be on the primary.  
29 We had four seats for the general improvement district, which  
30 is our TV board. Seat A, B, C, and D. One person filed for each  
31 of them. With this being a GID board, this will not be on the  
32 ballot. It's an automatic in.  
33 For our hospital, we had two seats for the north and one  
34 for the south. We only had one that filed. That will be on the  
35 ballot. They need their one vote to get in. That's a separate  
36 statute.  
37 For the School Board Area 1, there were three out of the  
38 four seats that were opened. We had just one person file for --  
39 or I shouldn't say one person. There was three people file for  
40 three seats open. So those three will be an automatic in with

1 your one vote. Well, I guess it's not automatic. One vote.  
2 School District Area 3, only one filed.  
3 And then also the School District Area 4. And one filed for  
4 that.  
5 I had a -- a person -- a gal that had came to me and she had  
6 been on the general improvement district board. She was  
7 interested in filing on the school board. And so I had sent an  
8 email to the secretary of state to ask if she could sit on both  
9 those seats.  
10 So I had sent that off March 9th, which our filing period  
11 was March 5th through the 16th. So she had came to me fairly  
12 early in the -- in the game. And I had sent it off to Wayne  
13 Thorley, secretary of state -- deputy secretary of state of  
14 elections is his title.  
15 And in that statute, which is NRS 281.055, it says  
16 prohibiting against filing for or holding more than one elective  
17 office at the same time. And within that statute it states  
18 that -- that they can hold -- if it's a special district --  
19 which that's what our general improvement district is. So she  
20 was allowed to file for the school board and for the general  
21 improvement district because that was the exception.  
22 And I just wanted to bring it to your attention. I'd gone to  
23 the store last night and -- and a gal said, now what -- what seat  
24 are you? What are you running for? I've heard you're running for  
25 three different -- three different, you know, positions. I'm  
26 like, "I'm good. But I'm not that good." So -- plus it's  
27 illegal.  
28 So, anyway, just wanted to put it out there that -- how many  
29 people had filed and what you'll be seeing in the paper.  
30 And if you have any questions, give me a holler.  
31 COMMISSIONER BAKKER: Thanks, Sadie.  
32 COUNTY CLERK SULLIVAN: Thanks.  
33 CHAIRMAN MILLS: Thank you, Sadie.  
34 COMMISSIONER WAITS: Thank you.  
35 CHAIRMAN MILLS: Do we have any other public comment?  
36 SHERIFF RON UNGER: Just one. Ron Unger, for the record.  
37 And I guess this is just to give you a heads-up. I  
38 attended a meeting the other night, domestic violence.  
39 And one of their big concerns, along with several other  
40 organizations in town, is the -- the no bus stopping here in

1 town.

2 So domestic violence, you know, they have -- they do have  
3 people that come in that they need to get out of town for  
4 protection, whatever the case may be.

5 So they asked if I'd bring it up in front of you folks  
6 again, which I know you've discussed it in the past. But you  
7 may be hearing more to where we're going to have to look into  
8 some type of alternative transportation, whether it's for the  
9 hospital, domestic violence, seniors, law enforcement, whatever  
10 the case may be, the indigent. Like Sandy's having issues. We  
11 can't get bus tickets out of town.

12 It was told to me that the -- the Grey- -- the bus services  
13 has turned it over to Amtrak. But, as you know, they don't stop  
14 here. They only stop in Winnemucca and Elko. So we have an  
15 issue brewing. And this is just to give you a heads-up that you  
16 may be hearing some -- they're going to want something from it.  
17 So I told them I'd do that. And that's what I have. So thank  
18 you.

19 COMMISSIONER ALLAN: Thank --

20 COMMISSIONER BAKKER: Thank you, --

21 COMMISSIONER ALLAN: -- you, Ron.

22 COMMISSIONER BAKKER: -- Ron.

23 CHAIRMAN MILLS: All right.

24 COMMISSIONER WAITS: Thank you.

25 CHAIRMAN MILLS: Any other public comment?

26 COUNTY CLERK SULLIVAN: I do, actually. Sorry. Sadie  
27 Sullivan, for the record. To add to Ron's.

28 Yesterday I had to run over there and take some papers.  
29 And so I took a picture so I could show Art and the rest of you,  
30 but Elko Cab does come over here. They were in their parking  
31 lot yesterday.

32 So question whether or not Winnemucca or Elko come this  
33 direction, the cab company does come here from those --

34 CHAIRMAN MILLS: Yeah.

35 COUNTY CLERK SULLIVAN: -- other areas. And I have proof  
36 in my camera.

37 CHAIRMAN MILLS: Did you get a picture of their meter? See  
38 how much it costs?

39 COUNTY CLERK SULLIVAN: I didn't want to get too close.

40 CHAIRMAN MILLS: Okay.

1 COUNTY CLERK SULLIVAN: They might charge me.  
2 COMMISSIONER WAITS: They actually brought over -- Ron  
3 Unger, for the record -- they -- one of CISCO systems went down.  
4 And they overnighted it to us. And they picked it up at the  
5 airport and brought it over because the contract that we have  
6 with CISCO.  
7 And it was quick delivery. They were an hour ahead of  
8 time. But that's -- didn't come cheap.  
9 CHAIRMAN MILLS: Yeah. Okay.  
10 SHERIFF RON UNGER: So...  
11 CHAIRMAN MILLS: Other public comment?  
12 (No comment.)  
13  
14

15 **CONSENT AGENDA**

16  
17 CHAIRMAN MILLS: Okay. We'll do consent agenda.  
18 All matters listed under the consent agenda are considered  
19 routine and may be acted upon by the Board of County Commissioners  
20 with one action, without extensive discussion. Any member of the  
21 board or any citizen may request that an item be taken from the  
22 consent agenda, discussed, and acted upon separately during the  
23 meeting. Consent agenda materials are available at the Lander  
24 County Clerk's Office for viewing, and copies are available --  
25 available for a nominal charge.  
26 One, approval of March 22, 2018, agenda notice; two,  
27 approval of February 15th, 2018, special meeting minutes; three,  
28 approval of February 22, 2018, meeting minutes; four, approval  
29 of March 8, 2018, meeting minutes; five, approval of March 19,  
30 2018, budget -- budget workshop minutes; six, approval of  
31 March 20, 2018, budget workshop minutes; seven, approval of the  
32 payment of bills; eight, approval of payroll change requests.  
33 COMMISSIONER BAKKER: I'll make a motion to approve the  
34 March 22nd, 2018, agenda notice; the February 15th, 2018,  
35 special meeting minutes; the payment of the bills; and the  
36 payroll change requests.  
37 COMMISSIONER WAITS: Second the motion.  
38 CHAIRMAN MILLS: Sean made a motion. Patsy seconded.  
39 Do we have any public comment?  
40 (No comment.)

1 CHAIRMAN MILLS: All in favor?  
2 COMMISSIONER BAKKER: Aye.  
3 COMMISSIONER WAITS: Aye.  
4 COMMISSIONER ALLAN: Aye.  
5 CHAIRMAN MILLS: Aye.  
6 COMMISSIONER CLARK: Aye.  
7  
8

9 **COMMISSIONERS**

- 10  
11 1) **Discussion for possible action regarding a letter to the**  
12 **Nevada State Bureau of Land Management director requesting**  
13 **moving the Rock Creek Dam project from Elko district to**  
14 **Battle Mountain district jurisdiction, and all other matters**  
15 **properly related thereto.**  
16

17 CHAIRMAN MILLS: Item Number 1. Discussion for possible  
18 action regarding a letter to the Nevada State Bureau of Land  
19 Management director requesting moving the Red Rock -- or Rock  
20 Creek Dam project from Elko district to the Battle Mountain  
21 district jurisdiction, and all other matters properly related  
22 thereto.

23 KEITH WESTENGARD: So there is a -- a copy of a letter in  
24 your packet there. If that's acceptable, we'll send that  
25 forward. If you want to make any changes to it, just let me  
26 know. If not, we will make -- we will get that out to Mr. Ruhs  
27 --

28 COMMISSIONER BAKKER: So on --

29 KEITH WESTENGARD: -- (indiscernible).

30 COMMISSIONER BAKKER: -- this side it says Furtado, but it  
31 needs to say Ruhs; right?

32 KEITH WESTENGARD: That -- that is correct. Yeah. This  
33 will go to -- to John Ruhs at the state office. And the date  
34 will be corrected. The -- the address will be corrected as well  
35 as the date. And then it'll go to John.

36 COMMISSIONER WAITS: I saw the letter in there. And it was  
37 dated October 31st, 2017. And I thought we'd already sent it.  
38 So I wanted to know what the reply was. I thought we were doing  
39 something addition to this.

40 KEITH WESTENGARD: Right.



1 COMMISSIONER WAITS: But this is the first letter.  
2 KEITH WESTENGARD: Yes.  
3 COMMISSIONER WAITS: Okay. Got it. We just change the  
4 name and date.  
5 KEITH WESTENGARD: Yes.  
6 COMMISSIONER BAKKER: And when we met with Ruhs, this was  
7 his advice --  
8 KEITH WESTENGARD: Right.  
9 COMMISSIONER BAKKER: -- on the direction we need to take.  
10 So with that, I'll make a motion to approve the letter to the  
11 Nevada State Bureau of Land Management director requesting moving  
12 the Rock Creek Dam project from the Elko district to the Battle  
13 Mountain district jurisdiction.  
14 COMMISSIONER WAITS: And authorize --  
15 COMMISSIONER BAKKER: And authorize --  
16 COMMISSIONER WAITS: -- Keith?  
17 COMMISSIONER BAKKER: -- the executive director to sign.  
18 COMMISSIONER CLARK: Second.  
19 CHAIRMAN MILLS: Okay. Sean made a motion. Art seconded.  
20 Do we have any public comment?  
21 (No comment.)  
22 CHAIRMAN MILLS: All in favor?  
23 COMMISSIONER BAKKER: Aye.  
24 CHAIRMAN MILLS: Aye.  
25 COMMISSIONER WAITS: Aye.  
26 COMMISSIONER ALLAN: Aye.  
27 COMMISSIONER CLARK: Aye.

28  
29 **2) Discussion for possible action to appoint a commissioner to**  
30 **attend the Battle Mountain racetrack board meetings, and all**  
31 **other matters properly related thereto.**  
32

33 CHAIRMAN MILLS: Item 2. Discussion for possible action to  
34 appoint a commissioner to attend the Battle Mountain racetrack  
35 board meetings, and all other matters properly related thereto.

36 COMMISSIONER CLARK: I'll volunteer for this if you --

37 CHAIRMAN MILLS: I don't know if we can, though.

38 COMMISSIONER CLARK: -- want me to do it.

39 DISTRICT ATTORNEY HERRERA: You -- you can visit them. But  
40 you can't --

1 COMMISSIONER CLARK: What?  
2 DISTRICT ATTORNEY HERRERA: You can't as a elected  
3 commissioner.  
4 COMMISSIONER BAKKER: You can be a liaison.  
5 DISTRICT ATTORNEY HERRERA: Be on the board -- you know, do  
6 a board, well, 501(c)(3) board. They're not affiliated with the  
7 county.  
8 COMMISSIONER CLARK: Okay.  
9 DISTRICT ATTORNEY HERRERA: But you can certainly visit.  
10 COMMISSIONER BAKKER: Do we need an action item or no?  
11 DISTRICT ATTORNEY HERRERA: No. You can't do it legally.  
12 COMMISSIONER BAKKER: Okay.  
13 DISTRICT ATTORNEY HERRERA: You can't be part of it.  
14 COMMISSIONER CLARK: Okay.  
15 DISTRICT ATTORNEY HERRERA: I mean, formally.  
16 CHAIRMAN MILLS: So that doesn't stop you from going.  
17 DISTRICT ATTORNEY HERRERA: No, it doesn't stop --  
18 COMMISSIONER CLARK: Doesn't stop you from going, but  
19 you're not official.  
20 DISTRICT ATTORNEY HERRERA: No.  
21 CHAIRMAN MILLS: Right.  
22 COMMISSIONER CLARK: So I --  
23 COMMISSIONER WAITS: So...  
24 COMMISSIONER CLARK: Anybody that goes, can't come back and  
25 say, "Hey. The racetrack wants money" or "The racetrack wants  
26 this or that."  
27 DISTRICT ATTORNEY HERRERA: You could. Just like anybody  
28 else does.  
29 COMMISSIONER CLARK: Yeah.  
30 DISTRICT ATTORNEY HERRERA: I mean, tech- --  
31 CHAIRMAN MILLS: Right.  
32 COMMISSIONER BAKKER: Okay.  
33 COMMISSIONER WAITS: Any --  
34 DISTRICT ATTORNEY HERRERA: You'd be going as a citizen of  
35 Lander County is what I'm saying.  
36 COMMISSIONER CLARK: Okay.  
37 DISTRICT ATTORNEY HERRERA: Not as a county commissioner.  
38 CHAIRMAN MILLS: Any further discussion?  
39 COMMISSIONER WAITS: So we can't --  
40 CHAIRMAN MILLS: Oh.

1 COMMISSIONER WAITS: Yeah. We -- we can't informal- --  
2 informally?

3 DISTRICT ATTORNEY HERRERA: Yeah. You can do anything you  
4 want.

5 COMMISSIONER CLARK: Oh, yeah.

6 COMMISSIONER WAITS: Ask him to go?

7 DISTRICT ATTORNEY HERRERA: Certainly. But you can't --

8 COMMISSIONER CLARK: I'll let them know.

9 DISTRICT ATTORNEY HERRERA: You can do it informally. But  
10 you can't do it formally as a commissioner.

11 You can't set a precedent where you're going to be sitting on  
12 a 501(c)(3) board.

13 COMMISSIONER BAKKER: Okay.

14 CHAIRMAN MILLS: Any public comment?

15 (No comment.)

16 CHAIRMAN MILLS: Okay. Moving on.

17  
18 **3) Discussion for possible action regarding the advertisement**  
19 **and/or appointment of a justice of the peace for Austin to**  
20 **complete the term ending December 31, 2018, and all other**  
21 **matters properly related thereto.**  
22

23 CHAIRMAN MILLS: Number 3. Discussion for possible action  
24 regarding the advertisement and/or appointment of a justice of  
25 the peace for Austin to complete the term ending December 31st,  
26 2018, and all other matters properly related thereto.

27 So apparently since Judge Schaeffer has put his hat in the  
28 ring to run for district attorney in Lander County, according  
29 the rules of the judiciary and their system, he was obligated to  
30 resign his position as justice of the peace in Austin, creating  
31 a vacancy.

32 Now we have to figure out how to appoint somebody to his spot  
33 for the remainder of the year, which opens up a lot of questions  
34 about how to do it properly and how to do it -- just doing it  
35 properly.

36 Do you have any in- -- do you have any input for us on  
37 that -- Ted? -- on how we --

38 DISTRICT ATTORNEY HERRERA: I --

39 CHAIRMAN MILLS: -- how we're supposed to do this?

40 DISTRICT ATTORNEY HERRERA: Well, yeah. I've given you the

1 statutes. It's pretty easy. You've got two choices. But you  
2 should have the paperwork that's four or five pages that --

3 You -- you can -- you can appoint someone who is a Lander  
4 County elector, which means they're registered to vote in Lander  
5 County. They're --

6 You can't appoint anybody outside the county because  
7 they're not Lander County electors.

8 They have to have the -- the basic qualifications for a JP,  
9 which is, in Lander County, a high school diploma and -- and  
10 things of that nature.

11 The -- the bad thing about this is that if you appoint  
12 someone in Lander County that has no training or experience, I do  
13 not know if the AOC for Nevada can train them in this 8 1/2-month  
14 period. I don't know if there's any training available.

15 And -- and -- and Judge Shirley even -- even -- there's a  
16 one-page -- he -- he received a letter from the AOC making two  
17 suggestions. One of them was -- which Eure- -- Eureka County did  
18 years ago is -- is appoint another judge in the same -- in the  
19 same county to do it.

20 But then there's a statute that I've given you that -- that  
21 says, can't hold two elected pos- -- positions simultaneously.

22 So --

23 I -- I don't know if you can legally do that even though  
24 it's been done.

25 The -- another one is, well, the suggestions are right there.  
26 I mean, you can -- there's a statute that allows you to  
27 temporarily appoint someone until you appoint someone if you want  
28 to put it out for advertisement.

29 So you can appoint somebody temporarily today until an  
30 appointment or an election.

31 So it depends on how the -- how the commission wants to  
32 proceed. If -- if you want to engage and -- and put it out for  
33 advertising and let people seek it, you can do that.

34 And what you would do between now and then, Judge -- Judge  
35 Bunch is here. And -- and he was appointed by Judge Shirley as a  
36 special master to do certain ministerial things that -- that need  
37 to be done at this time, like bail and -- and certain things. And  
38 that's contained in -- in my little packet with -- to you too.  
39 It's only three or four pages. So you should probably read it  
40 and -- and then decide which way you want to go.

1 I mean, you -- you can certainly ask Judge Bunch for -- for  
2 his opinion. He's probably, you know, has more -- well, he has  
3 more experience than anybody else in this county about this type  
4 of stuff. And he's here.

5 CHAIRMAN MILLS: So does that mean our options are  
6 basically to appoint somebody?

7 I mean, could we -- could we transfer all the stuff up here  
8 somehow? Is that possible?

9 DISTRICT ATTORNEY HERRERA: Well, the -- there's --

10 CHAIRMAN MILLS: Or --

11 DISTRICT ATTORNEY HERRERA: -- there's ways to do it. But  
12 you would leave two employees in Austin doing nothing.

13 COMMISSIONER CLARK: Yeah. We can't have that.

14 COMMISSIONER WAITS: I don't think we want to lose the --

15 DISTRICT ATTORNEY HERRERA: There --

16 COMMISSIONER WAITS: -- Austin --

17 DISTRICT ATTORNEY HERRERA: -- there were --

18 COMMISSIONER WAITS: -- justice court per se. I think  
19 there's some other --

20 CHAIRMAN MILLS: Well, there's --

21 COMMISSIONER WAITS: -- ways around --

22 CHAIRMAN MILLS: I --

23 COMMISSIONER WAITS: -- it.

24 CHAIRMAN MILLS: -- I don't think we're -- are we  
25 necessarily losing the court? It's a temporary deal. I don't  
26 know if that's even an option. I don't know if that's a viable  
27 --

28 DISTRICT ATTORNEY HERRERA: Well, the --

29 CHAIRMAN MILLS: -- option.

30 DISTRICT ATTORNEY HERRERA: -- there's ways to do it. Like  
31 I said, you can -- you can ask --

32 CHAIRMAN MILLS: All right. Max, what do -- what -- can  
33 you help us out with on this to figure this out?

34 JUDGE MAX BUNCH: I think Ted's right in -- in the --

35 COMMISSIONER BAKKER: State your name.

36 COMMISSIONER ALLAN: You need to come forward.

37 COMMISSIONER WAITS: We can also hold a special election.

38 That's also allowed.

39 DISTRICT ATTORNEY HERRERA: Yeah. You can do that.

40 COMMISSIONER BAKKER: Two elected officials can't hold the

1 same -- or one elected official can't hold two offices?  
2 DISTRICT ATTORNEY HERRERA: There's statute right in front  
3 of you that -- that says that. But I will tell you that it's  
4 been done in Eureka County and -- as Judge Bunch knows. And --  
5 and the AOC knows. So it's a direct contradiction. I don't --  
6 I don't know which way that one would -- would go down.  
7 We'd probably have to ask for a --  
8 CHAIRMAN MILLS: Can you get --  
9 DISTRICT ATTORNEY HERRERA: -- firm opinion.  
10 CHAIRMAN MILLS: Can you get permission for something like  
11 that before you do it?  
12 DISTRICT ATTORNEY HERRERA: Well, we'd probably have to ask  
13 for an --  
14 CHAIRMAN MILLS: Or is --  
15 DISTRICT ATTORNEY HERRERA: -- attorney general opinion.  
16 Because it's been -- there's a statute that says you can't do  
17 it. And then the AOC acknowledges that it was --  
18 CHAIRMAN MILLS: Right.  
19 DISTRICT ATTORNEY HERRERA: -- been done.  
20 CHAIRMAN MILLS: So we --  
21 DISTRICT ATTORNEY HERRERA: The --  
22 CHAIRMAN MILLS: -- we could --  
23 DISTRICT ATTORNEY HERRERA: -- AOC is the Supreme Court.  
24 So they're ahead of the --  
25 CHAIRMAN MILLS: We could just do it and then ask for  
26 forgiveness later. Or we could ask for permission first. I  
27 don't know what --  
28 COMMISSIONER CLARK: Well, maybe we ought to ask Judge  
29 Bunch if he's going to have time to absorb all that with -- I  
30 mean, you look in the paper, we -- we've got anywheres from  
31 three to four to maybe twelve people arrested a week.  
32 So, I mean, there's --  
33 COMMISSIONER BAKKER: Not -- not in --  
34 COMMISSIONER CLARK: -- a workload --  
35 COMMISSIONER BAKKER: -- Austin.  
36 COMMISSIONER CLARK: -- issue --  
37 DISTRICT ATTORNEY HERRERA: No, we --  
38 COMMISSIONER CLARK: -- there --  
39 DISTRICT ATTORNEY HERRERA: -- can --  
40 COMMISSIONER WAITS: Not --

1 COMMISSIONER CLARK: -- too.  
2 COMMISSIONER WAITS: -- not in Austin.  
3 DISTRICT ATTORNEY HERRERA: Not in Austin.  
4 COMMISSIONER CLARK: No. But I'm saying up here there's a  
5 bigger workload than there was four years ago.  
6 DISTRICT ATTORNEY HERRERA: Than in the last 20. So we --  
7 we do --  
8 COMMISSIONER CLARK: We're the --  
9 DISTRICT ATTORNEY HERRERA: -- more --  
10 COMMISSIONER CLARK: -- biggest --  
11 DISTRICT ATTORNEY HERRERA: -- prosecution right now than  
12 we've --  
13 COMMISSIONER CLARK: Yeah.  
14 DISTRICT ATTORNEY HERRERA: -- ever done.  
15 COMMISSIONER WAITS: Well, actually, I -- I do have a  
16 record of the court cases that were heard in Austin Justice  
17 Court.  
18 This year we had one in January, two in February, none in  
19 March, of course.  
20 Last year we had four in April, none in May, four in June,  
21 two in July, four in August, four in September, three in October,  
22 one in November, and four in December. So we had a total of,  
23 like, 29 in the last year.  
24 But he did do some probable cause up here in -- in Battle  
25 Mountain too --  
26 DISTRICT ATTORNEY HERRERA: Yeah, and --  
27 COMMISSIONER WAITS: -- and do that.  
28 DISTRICT ATTORNEY HERRERA: -- and --  
29 COMMISSIONER WAITS: Yeah.  
30 But -- but my concern is -- is having -- besides the -- the  
31 elected positions -- having an appointment for Judge Max, which,  
32 I think, gives him an advantage to being incumbent for the same  
33 position he's filed for. And that -- that gives an advantageous  
34 position, I think, when you're an incumbent. So I have a  
35 concern about that too, besides the workload that -- that he has  
36 up here.  
37 I mean, it's okay to help out, you know, once in a while.  
38 But certainly the knowledge isn't anything we would -- would  
39 discuss. I mean, he's -- he's our guru. And there's no -- no  
40 question about what kind of judge he is. He's excellent.

1 But as far as some other things we could think about --  
2 And we -- we have the -- actually the relief judge, Denise,  
3 who -- who handles it when he's not there. And she's fully  
4 qualified. She's been to school to do everything. We might  
5 think of an appointment of something like that.  
6 Or if we do advertise and somebody comes forth, actually,  
7 in -- in our type of a community, with the population, we can  
8 get an exception if an attorney applies for it.  
9 DISTRICT ATTORNEY HERRERA: If -- if a -- if Judge Shirley  
10 decides that they have high enough --  
11 COMMISSIONER WAITS: Enough --  
12 DISTRICT ATTORNEY HERRERA: -- qualifications --  
13 COMMISSIONER WAITS: -- knowledge.  
14 DISTRICT ATTORNEY HERRERA: -- and experience, --  
15 COMMISSIONER WAITS: Right.  
16 DISTRICT ATTORNEY HERRERA: -- he will do away with.  
17 COMMISSIONER WAITS: And we could do that if -- if a person  
18 applies that has that and then they don't have to go to school.  
19 DISTRICT ATTORNEY HERRERA: For a year.  
20 Which means they wouldn't --  
21 COMMISSIONER WAITS: Well --  
22 DISTRICT ATTORNEY HERRERA: -- have to --  
23 COMMISSIONER WAITS: -- well, --  
24 DISTRICT ATTORNEY HERRERA: -- go.  
25 COMMISSIONER WAITS: -- yeah, but we're talking about an  
26 attorney.  
27 DISTRICT ATTORNEY HERRERA: Right. Which --  
28 COMMISSIONER WAITS: And -- and --  
29 DISTRICT ATTORNEY HERRERA: -- means --  
30 COMMISSIONER WAITS: -- so.  
31 DISTRICT ATTORNEY HERRERA: -- they wouldn't have --  
32 COMMISSIONER WAITS: And --  
33 DISTRICT ATTORNEY HERRERA: -- to --  
34 COMMISSIONER WAITS: -- and --  
35 DISTRICT ATTORNEY HERRERA: -- go.  
36 COMMISSIONER WAITS: -- and no attorney is filing. So it  
37 --  
38 DISTRICT ATTORNEY HERRERA: Right. I'm --  
39 COMMISSIONER WAITS: Yeah.  
40 DISTRICT ATTORNEY HERRERA: -- just saying --



1 COMMISSIONER WAITS: Yeah.  
2 DISTRICT ATTORNEY HERRERA: -- that the statute says a  
3 year.  
4 COMMISSIONER WAITS: Oh, I see --  
5 DISTRICT ATTORNEY HERRERA: But --  
6 COMMISSIONER WAITS: -- what you're --  
7 DISTRICT ATTORNEY HERRERA: -- since --  
8 COMMISSIONER WAITS: -- saying. So --  
9 DISTRICT ATTORNEY HERRERA: -- since --  
10 COMMISSIONER WAITS: -- we're okay --  
11 DISTRICT ATTORNEY HERRERA: -- the t- --  
12 COMMISSIONER WAITS: -- for the rest of the year until --  
13 COMMISSIONER CLARK: Yeah.  
14 COMMISSIONER WAITS: -- our new people come in.  
15 DISTRICT ATTORNEY HERRERA: Right.  
16 COMMISSIONER WAITS: If it's --  
17 DISTRICT ATTORNEY HERRERA: And --  
18 COMMISSIONER WAITS: -- one of the two. Okay. Got you.  
19 So we have some options.  
20 COMMISSIONER CLARK: Max?  
21 CHAIRMAN MILLS: What do -- what do you like?  
22 COMMISSIONER ALLAN: Well, what if we --  
23 COMMISSIONER CLARK: I -- I'd like to hear from Max.  
24 COMMISSIONER BAKKER: Okay.  
25 COMMISSIONER CLARK: This is going to impact him, maybe.  
26 JUDGE MAX BUNCH: I didn't expect to come up and speak  
27 today. I was just obviously coming to listen to -- to see  
28 what's going on.  
29 And I don't disagree that if -- if somebody is appointed,  
30 that there could be a potential, like Patsy has said, shown as  
31 an incumbent.  
32 You know, it's -- it's between Billy, who is -- who is here  
33 today and -- and myself, and that we have filed for the office.  
34 So --  
35 And if I didn't state my name, Max Bunch, for the record.  
36 Mr. Herrera is correct in -- in what he is saying and giving  
37 you the legal advice.  
38 I've looked at it a little bit.  
39 Acting as a special master for the district court judge, I  
40 will tell you that there's been six arrests in Austin since

1 March 5th.

2 So I do know that three of those were juveniles. Three of  
3 those were adults.

4 The District Attorney's Office has -- because they're kind of  
5 in a quandary here as to what to do and where to go, they have  
6 filed two of the three cases in the Argenta Justice Court. And  
7 those people are actually sitting in jail waiting to go to  
8 trial -- trial and/or preliminary hearing, which is going to  
9 happen in less than two weeks.

10 So what you need to keep in mind is that somebody has to be  
11 there to do the job because you have certain hourly things that  
12 we are required to do. Probable cause has to be done within 48  
13 hours. Initial appearance has to be done within 72 hours, not  
14 including weekends and holidays. And then people have to, you  
15 know, you got a job to do.

16 The numbers are the numbers. You got -- you know, I can  
17 remember we -- when Mr. Herrera was a public defender, we went to  
18 court from 9:00 in the morning until 9:00 at night Monday through  
19 Friday because we had some many cases.

20 DISTRICT ATTORNEY HERRERA: Yeah.

21 JUDGE MAX BUNCH: You just have a lot of cases. And you  
22 fit them in. And you do the hours that you need to do to do the  
23 job.

24 And for a year and a half, almost two years, we were in court  
25 from 9:00 in the morning till 9:00 at night, Monday through  
26 Friday, every day, because of the way that the prosecution was  
27 going at the time.

28 So, you know, it's obviously your decision. If you choose  
29 to -- to have them -- have them bring the cases to -- to Argenta  
30 Justice Court, that doesn't mean that we're going to really have  
31 two people not doing anything because there's citations there that  
32 can be done. I don't know if we could transfer the trials down  
33 and leave the citations there. Something along that line is --

34 DISTRICT ATTORNEY HERRERA: We probably could if I file  
35 here, if I file all the cases here; right?

36 JUDGE MAX BUNCH: Yeah. I mean, whatever filed in the  
37 justice court, we have to deal with.

38 DISTRICT ATTORNEY HERRERA: Right.

39 JUDGE MAX BUNCH: It do- -- doesn't matter what the charges  
40 are. If they're filed in Argenta Justice Court, we have to deal

1 with them.

2 DISTRICT ATTORNEY HERRERA: And -- and I can do that. I  
3 have the discretion to do that if -- if you guys want to go in  
4 that direction. I'm -- I'm not making any recom- -- this is a  
5 policy thing. And -- and you guys have to decide this. And --  
6 and it's a tough decision. But I'll be -- I'll -- I'll  
7 cooperate in any way that --

8 COMMISSIONER ALLAN: I'm --

9 DISTRICT ATTORNEY HERRERA: -- you --

10 COMMISSIONER ALLAN: -- not trying to -- I -- I know that  
11 we need to get this resolved. But go with the option of  
12 advertising to see if we did get some interest, if there  
13 possibly was an attorney that might present a letter of interest  
14 in it. And if they're qualified, go with that.

15 If not, you know, we -- we're kind of back to the same  
16 place we are, only a little bit further down the road.

17 But, like you stated, you know, you can -- you have the  
18 discretion to take those cases here.

19 And -- and what the Austin court can handle, the girls down  
20 there, in the interim is kind of --

21 DISTRICT ATTORNEY HERRERA: I can certainly do that if  
22 that's the direction you want --

23 COMMISSIONER ALLAN: Well, that --

24 DISTRICT ATTORNEY HERRERA: -- me to go.

25 COMMISSIONER ALLAN: -- that's just a thought.

26 DISTRICT ATTORNEY HERRERA: Yeah.

27 COMMISSIONER CLARK: I think that Austin is a pretty unique  
28 place. They cling to principles. I think they -- they should  
29 have a say in -- in this matter.

30 So I'm not sure what direction that is, but --

31 COMMISSIONER WAITS: Well, we --

32 COMMISSIONER CLARK: -- that's the --

33 COMMISSIONER WAITS: -- might ask --

34 COMMISSIONER CLARK: -- direct- --

35 COMMISSIONER WAITS: -- who's -- who's on the meeting.

36 They knew it was on the agenda today. So perhaps we have  
37 some --

38 CHAIRMAN MILLS: Is --

39 COMMISSIONER WAITS: -- in Austin --

40 COMMISSIONER BAKKER: Billy, --

1 COMMISSIONER WAITS: -- that would like to --  
2 COMMISSIONER BAKKER: -- do you have --  
3 COMMISSIONER WAITS: -- speak.  
4 COMMISSIONER BAKKER: -- any comment? Will you come up  
5 here. Sorry.  
6 BILLY GANDOLFO: Billy Gandolfo, for the record.  
7 I don't have too much to add. You guys have hashed out  
8 some of the concerns that I brought down from Austin.  
9 And I can't say that I speak for everyone. But the main  
10 thing was how this would affect the upcoming election.  
11 And then we have some concerns about trying to envelope  
12 Austin's justice court into this system up here and the kind of  
13 precedent that might set.  
14 So it's -- you know, we can't make your job any easier.  
15 We're just trying to, you know, hold out what we find important  
16 down there.  
17 As you can probably guess, it's been a topic of discussion  
18 down there for a while.  
19 Several things have been bandied around. And then I was able  
20 to talk to Ted momentarily beforehand.  
21 And, you know, there were some other judges, but they  
22 weren't in this county, that expressed some interest in being  
23 able to fill in for this. And, you know, statutes kind of bind  
24 the -- how you guys can react with that.  
25 You know, we don't want to lose our justice court. And we  
26 don't want this to have an impact on the election. So we have  
27 those concerns.  
28 And I know that he's temporary master right now.  
29 One thing you might look at is how long that can last. And  
30 then maybe we can get the next judge to fill in, next judge to  
31 fill in, and Band-Aid it across. Or a special election, which  
32 is a lot of work. And I don't think that's a great option.  
33 You know, and there are -- we did speak with one attorney  
34 that might have interest in it. But it might be something that  
35 has to go out to bid first so they know exactly what their job  
36 will entail. Because, you know, are they going to have to drop  
37 everything they're doing and go be a judge? Or is it going to be,  
38 hey, we need two -- two days a month or one day a week or  
39 something like that? You know, it's -- it's tough to ask people  
40 to fill in without exactly knowing what they're agreeing to

1     beforehand.

2             So it -- it's one of those things that, yeah, we're in a hard  
3 spot. But until we actually know what we're asking people, you  
4 can't ask them. Because you're just like, hey, show up and agree  
5 to this.

6             What am I agreeing to?

7             We're not positive. But we need someone to agree.

8             And that's a tough sale. So, you know, it's something I  
9 think you guys need to come up with a Band-Aid today and come up  
10 with an actual job description of what you want someone to fill  
11 into. Because right now all we have is till the end of term.

12             And it's like, so, you know, you're asking people to drop  
13 to come in for a temporary job? Or what are we doing? So --

14             CHAIRMAN MILLS: That's one of the problems with that is  
15 there's no telling someone's going to get arrested.

16             BILLY GANDOLFO: I know. And I --

17             CHAIRMAN MILLS: So how do you know -- you can't -- how do  
18 you know it's two days a week?

19             BILLY GANDOLFO: It's -- then --

20             CHAIRMAN MILLS: Because --

21             BILLY GANDOLFO: -- that's --

22             CHAIRMAN MILLS: -- you don't.

23             BILLY GANDOLFO: You know, that's something that you guys  
24 will have to look into.

25             And Ted did mention that he has some discretion on where  
26 those are filed.

27             You know, there might be certain things that they can  
28 handle. And, you know, we -- we've been putting up with kind of  
29 an absentee judge for a while now. So it's not impossible  
30 because --

31             CHAIRMAN MILLS: Right.

32             BILLY GANDOLFO: -- he wasn't there every day. So it's  
33 something that's been done for this past term.

34             And it's -- you know, it's -- I can't say that your job's  
35 going to be easy. And I don't have an answer for you. You know,  
36 you guys have a couple fine lines to walk.

37             But it -- the main thing is you can -- I find it really hard  
38 to try and talk people into a job to do temporarily without  
39 knowing what job they're going to do. You know, and that's  
40 something as someone that's running for it, I know what I'm

1 running for and I'm planning for that. But to someone come in for  
2 seven months here or whatever it is -- eight months? -- it's --

3 CHAIRMAN MILLS: Right.

4 BILLY GANDOLFO: -- you know, it's -- it's a tough deal.  
5 So, you know, you might look into getting those other judges.  
6 Because I do -- I can speak -- I've spoke to Dan Ward, who is  
7 out of Fallon and he's currently doing Duckwater and several  
8 other things. He's a senior judge. And he would be interested  
9 in, you know, a stopgap position right now. But he can only do  
10 it for a month. But that would buy you some time.

11 It's just one of those things. I -- I don't know how you're  
12 going to handle it. But I can throw those things out there and  
13 express some of the concerns that we discussed back there.

14 That's pretty much all I had.

15 COMMISSIONER BAKKER: Thank you, Billy.

16 CHAIRMAN MILLS: Thank you.

17 COMMISSIONER WAITS: Thank you.

18 COMMISSIONER BAKKER: Miteshell?

19 MITESHELL LANHAM: Yes?

20 COMMISSIONER BAKKER: Is there anyone in Austin that wants  
21 to speak?

22 MITESHELL LANHAM: Nope.

23 FRANK WHITMAN: Nope.

24 MITESHELL LANHAM: Pretty quiet.

25 COMMISSIONER BAKKER: Okay.

26 COMMISSIONER CLARK: You know, Frank, --

27 COMMISSIONER BAKKER: Thanks --

28 COMMISSIONER CLARK: -- you --

29 COMMISSIONER BAKKER: -- for the help.

30 COMMISSIONER CLARK: Frank, you're -- you're pretty good.

31 I mean, you know what's happening. And you're a real fair man.  
32 What do you think?

33 You there, Frank?

34 FRANK WHITMAN: Yeah. Well, I think there is some concern  
35 that with two people running for that office that if Max is to  
36 come down that would give him an advantage in the community  
37 ahead of time. It's just, you know, an ethical question with  
38 the -- with the election.

39 I would suggest we hurry -- do a -- hurry up and try to do a  
40 little advertising. When --

1 COMMISSIONER CLARK: Okay.

2 FRANK WHITMAN: Who knows? Somebody might turn up who  
3 would work well for the -- for temporary. And then if that  
4 didn't work, then, you know, let's look at Max or -- or  
5 something like that. But that -- that would be our suggestion,  
6 I think.

7 COMMISSIONER CLARK: Thanks, Frank.

8 COMMISSIONER BAKKER: Thanks, Frank.

9 So there's been s- -- cases where one elected official has  
10 held two positions by the supreme court. But the NRS doesn't  
11 allow for it.

12 DISTRICT ATTORNEY HERRERA: That's -- that's -- yeah. That  
13 about sums it up.

14 CHAIRMAN MILLS: Did you have something, Cindy?

15 CINDY BENSON: I do. Cindy Benson, for the record.  
16 Has anybody thought to approach, maybe, Joe Dory and see if  
17 he would like to step in for the remaining? He's got the  
18 experience. He lives in Austin.

19 COMMISSIONER WAITS: Judge Dory isn't there very often at  
20 all.

21 CINDY BENSON: Oh, is he?

22 COMMISSIONER WAITS: No.

23 Un- -- unfortunately, he --

24 COMMISSIONER BAKKER: I had the same thought too, though.

25 COMMISSIONER WAITS: Yeah. But --

26 CINDY BENSON: Okay.

27 COMMISSIONER WAITS: But that's interesting. If we're  
28 going back to other judges, like they said, if we advertise,  
29 that gives us some time --

30 COMMISSIONER CLARK: Yeah.

31 COMMISSIONER WAITS: -- to -- to look to see --  
32 You know, there's still connections there for -- for some  
33 folks. Maybe we could get another retired judge or something  
34 that -- you never know.

35 CINDY BENSON: Okay.

36 COMMISSIONER WAITS: But good idea.

37 CINDY BENSON: All right.

38 COMMISSIONER WAITS: Thank you.

39 CINDY BENSON: Uh-huh.

40 COMMISSIONER WAITS: And you never know, Judge Dory might

1 come back and -- and spend the rest of the time. Just because  
2 he's not there now, doesn't mean he wouldn't. You're right.  
3 CINDY BENSON: Being that it's just --  
4 COMMISSIONER WAITS: Yeah.  
5 CINDY BENSON: -- temporary.  
6 COMMISSIONER CLARK: Well --  
7 COMMISSIONER BAKKER: Hey, Frank?  
8 CHAIRMAN MILLS: So --  
9 COMMISSIONER CLARK: He'd certainly --  
10 CHAIRMAN MILLS: Go ahead.  
11 FRANK WHITMAN: Yes, sir.  
12 COMMISSIONER BAKKER: If we go back out for advertisement,  
13 could you maybe talk to Judge Dory and see if he would want to  
14 put in?  
15 FRANK WHITMAN: We were talking about that. And Joe's up  
16 in Washington with a family crisis. And we're not sure he would  
17 be able to -- to come down and fill it out.  
18 You know, I think we can give him a call. But I -- I've got  
19 a feeling he'll say no.  
20 COMMISSIONER BAKKER: Okay. Thank you.  
21 CHAIRMAN MILLS: So it seems like we have really two viable  
22 options today.  
23 One is transfer them up here or --  
24 COMMISSIONER ALLAN: Temporarily.  
25 CHAIRMAN MILLS: -- go out to advertise.  
26 DISTRICT ATTORNEY HERRERA: Well, that could be the same  
27 thing. And, you know, --  
28 COMMISSIONER CLARK: Yeah.  
29 CHAIRMAN MILLS: Well, yeah.  
30 COMMISSIONER CLARK: Yeah, I think --  
31 CHAIRMAN MILLS: But you would -- you wouldn't want to  
32 transfer them up here for eight months? Through the end of the  
33 year?  
34 COMMISSIONER CLARK: No.  
35 CHAIRMAN MILLS: Because --  
36 DISTRICT ATTORNEY HERRERA: I would. I'd do it. I mean,  
37 it -- it's -- I don't know if you'd -- if you'd want to do that.  
38 It -- it puts a big --  
39 COMMISSIONER WAITS: You know, I -- I --  
40 DISTRICT ATTORNEY HERRERA: It --



1 COMMISSIONER WAITS: -- personally.  
2 DISTRICT ATTORNEY HERRERA: -- puts a big --  
3 CHAIRMAN MILLS: Right.  
4 DISTRICT ATTORNEY HERRERA: -- dent in -- in Judge Bunch's  
5 budget --  
6 CHAIRMAN MILLS: Okay.  
7 DISTRICT ATTORNEY HERRERA: -- and in his workers. And --  
8 and you're going to have to talk to him about that if that's how  
9 you're going to approach it.  
10 COMMISSIONER BAKKER: I would say we advertise. In the  
11 interim, transfer --  
12 CHAIRMAN MILLS: All right.  
13 COMMISSIONER BAKKER: -- it up here for the --  
14 COMMISSIONER CLARK: I --  
15 COMMISSIONER BAKKER: -- two weeks.  
16 COMMISSIONER CLARK: I think --  
17 COMMISSIONER BAKKER: And that --  
18 COMMISSIONER CLARK: -- so.  
19 COMMISSIONER BAKKER: -- in no way means Austin will ever  
20 lose their JP.  
21 CHAIRMAN MILLS: Yeah. We're don't --  
22 COMMISSIONER CLARK: Right.  
23 CHAIRMAN MILLS: We're not looking to do that.  
24 COMMISSIONER BAKKER: Yeah.  
25 COMMISSIONER CLARK: No.  
26 CHAIRMAN MILLS: I don't think that's --  
27 COMMISSIONER BAKKER: Just temporary.  
28 CHAIRMAN MILLS: -- an intent at all.  
29 COMMISSIONER CLARK: No.  
30 COMMISSIONER ALLAN: And I --  
31 COMMISSIONER CLARK: We don't --  
32 COMMISSIONER ALLAN: -- think you're looking at --  
33 CHAIRMAN MILLS: All right.  
34 COMMISSIONER ALLAN: -- probably about a month by the time  
35 you get the --  
36 DISTRICT ATTORNEY HERRERA: Yeah.  
37 COMMISSIONER ALLAN: -- two weeks' notice.  
38 CHAIRMAN MILLS: Yeah, it'll probably be about a month.  
39 Yeah.  
40 DISTRICT ATTORNEY HERRERA: Yeah.

1 COMMISSIONER CLARK: Well, I'll make a -- I'll take a stab  
2 at this -- I'll make a motion that we advertise for the justice  
3 of the peace in Austin to complete the term ending  
4 December 31st, 2018.  
5 COMMISSIONER ALLAN: Second.  
6 DISTRICT ATTORNEY HERRERA: How -- how long do you want to  
7 advertise?  
8 COMMISSIONER CLARK: Until filled. Well, --  
9 COMMISSIONER WAITS: Oh.  
10 COMMISSIONER CLARK: -- no.  
11 COMMISSIONER WAITS: No.  
12 COMMISSIONER CLARK: We can't do --  
13 COMMISSIONER WAITS: No.  
14 COMMISSIONER CLARK: -- that.  
15 COMMISSIONER WAITS: Can't do that. No.  
16 COMMISSIONER CLARK: No.  
17 COMMISSIONER BAKKER: Advertise for --  
18 COMMISSIONER CLARK: We can't --  
19 COMMISSIONER BAKKER: -- the -- what? -- legally we have to  
20 advertise for two weeks. And we'll see if we have --  
21 COMMISSIONER CLARK: Okay.  
22 COMMISSIONER BAKKER: -- anyone.  
23 COMMISSIONER CLARK: Let's see -- yeah. Two weeks.  
24 COMMISSIONER BAKKER: And then if not, we'll --  
25 COMMISSIONER ALLAN: Reagendize it.  
26 COMMISSIONER BAKKER: -- get all --  
27 COMMISSIONER CLARK: We're going to --  
28 COMMISSIONER BAKKER: Yeah. Exactly.  
29 COMMISSIONER CLARK: We'll have to --  
30 COMMISSIONER ALLAN: Move it back.  
31 COMMISSIONER CLARK: -- appoint somebody.  
32 COMMISSIONER WAITS: We have to reagendize anyway.  
33 COMMISSIONER BAKKER: We will anyway. Yeah.  
34 COMMISSIONER WAITS: So it's --  
35 CHAIRMAN MILLS: Yeah.  
36 COMMISSIONER WAITS: -- okay.  
37 CHAIRMAN MILLS: We already --  
38 COMMISSIONER ALLAN: Exactly.  
39 CHAIRMAN MILLS: We'll be talking about --  
40 COMMISSIONER ALLAN: Yeah.

1 CHAIRMAN MILLS: -- this again.  
2 DISTRICT ATTORNEY HERRERA: So you -- you would like me to  
3 charge all things except traffic citations into our Argenta  
4 Township during --  
5 COMMISSIONER BAKKER: Until --  
6 DISTRICT ATTORNEY HERRERA: -- the interim?  
7 COMMISSIONER BAKKER: -- we fill the spot.  
8 CHAIRMAN MILLS: In the interim.  
9 COMMISSIONER CLARK: Do you --  
10 DISTRICT ATTORNEY HERRERA: Except --  
11 COMMISSIONER CLARK: Let me ask you this. When you were  
12 looking for the other attorney in your office, did you get any  
13 applications? The job for \$85,000?  
14 Yeah, I know. I know.  
15 But if you get a first -- first-year attorney, I mean, you  
16 have contacts. You might be able to find somebody that's --  
17 DISTRICT ATTORNEY HERRERA: But they --  
18 COMMISSIONER CLARK: Won't --  
19 DISTRICT ATTORNEY HERRERA: -- they wouldn't quality as --  
20 as being able to waive -- if they're a new attorney, they're --  
21 COMMISSIONER CLARK: Okay.  
22 COMMISSIONER ALLAN: And they have --  
23 DISTRICT ATTORNEY HERRERA: If you don't meet --  
24 COMMISSIONER ALLAN: -- to live in --  
25 DISTRICT ATTORNEY HERRERA: -- the --  
26 COMMISSIONER ALLAN: -- Lander --  
27 DISTRICT ATTORNEY HERRERA: -- qualifications --  
28 COMMISSIONER ALLAN: -- County.  
29 DISTRICT ATTORNEY HERRERA: Huh?  
30 COMMISSIONER ALLAN: And they have to live in Lander  
31 County.  
32 DISTRICT ATTORNEY HERRERA: Yeah. They have to be a Lander  
33 County elector.  
34 COMMISSIONER CLARK: Yeah. That's out.  
35 COMMISSIONER ALLAN: So --  
36 COMMISSIONER WAITS: For our justice of the peace?  
37 COMMISSIONER BAKKER: The executive director could do it.  
38 DISTRICT ATTORNEY HERRERA: To be appointed.  
39 COMMISSIONER CLARK: He would be loved.  
40 KEITH WESTENGARD: Oh. I'm already loved. Believe me, --

1 COMMISSIONER WAITS: So --  
2 KEITH WESTENGARD: -- I'm loved.  
3 COMMISSIONER WAITS: -- we --  
4 CHAIRMAN MILLS: Wouldn't want to ruin --  
5 COMMISSIONER WAITS: -- we can bring --  
6 CHAIRMAN MILLS: -- a good thing.  
7 COMMISSIONER WAITS: -- them in from other counties as an  
8 emergency to replace our current justice of the peace when we  
9 have one and he's -- he or she is gone. We can do that.  
10 Because they do come in from other counties --  
11 DISTRICT ATTORNEY HERRERA: They do.  
12 COMMISSIONER WAITS: -- on a -- on a --  
13 DISTRICT ATTORNEY HERRERA: But no more --  
14 COMMISSIONER WAITS: -- on a one-time basis.  
15 DISTRICT ATTORNEY HERRERA: Yes.  
16 COMMISSIONER WAITS: But that's --  
17 DISTRICT ATTORNEY HERRERA: Yeah. Go --  
18 COMMISSIONER WAITS: -- it --  
19 DISTRICT ATTORNEY HERRERA: -- like --  
20 COMMISSIONER CLARK: Yeah. Okay.  
21 DISTRICT ATTORNEY HERRERA: -- like if there's a conflict  
22 of interest or something, --  
23 COMMISSIONER WAITS: Okay.  
24 DISTRICT ATTORNEY HERRERA: -- the judges bring in a  
25 visiting judge --  
26 COMMISSIONER WAITS: Okay. Okay.  
27 DISTRICT ATTORNEY HERRERA: -- for certain cases.  
28 COMMISSIONER WAITS: Okay. And that's allowed because,  
29 there again, we -- we couldn't appoint him because it would be  
30 two elected positions. He'd hold --  
31 DISTRICT ATTORNEY HERRERA: Right. Right.  
32 COMMISSIONER WAITS: -- he or she would hold a position in  
33 Tonopah and a position in --  
34 DISTRICT ATTORNEY HERRERA: And --  
35 COMMISSIONER WAITS: -- Austin --  
36 DISTRICT ATTORNEY HERRERA: -- and they --  
37 COMMISSIONER WAITS: -- too.  
38 DISTRICT ATTORNEY HERRERA: -- can't do --  
39 COMMISSIONER WAITS: Okay.  
40 DISTRICT ATTORNEY HERRERA: -- that --

1 COMMISSIONER WAITS: So we're on the same --  
2 DISTRICT ATTORNEY HERRERA: -- because --  
3 COMMISSIONER WAITS: -- one.  
4 DISTRICT ATTORNEY HERRERA: -- they're not qualified --  
5 COMMISSIONER WAITS: Okay.  
6 DISTRICT ATTORNEY HERRERA: -- to be appointed --  
7 COMMISSIONER WAITS: Okay. So we'll do --  
8 DISTRICT ATTORNEY HERRERA: -- because --  
9 COMMISSIONER WAITS: -- some more --  
10 DISTRICT ATTORNEY HERRERA: -- it doesn't look like --  
11 COMMISSIONER WAITS: -- research and see what happens and  
12 discuss this again.  
13 CHAIRMAN MILLS: Okay. So Art's made a motion. Did -- did  
14 we get a second?  
15 COUNTY CLERK SULLIVAN: Judie.  
16 COMMISSIONER ALLAN: I did.  
17 COMMISSIONER WAITS: Uh-huh.  
18 COMMISSIONER ALLAN: Did --  
19 CHAIRMAN MILLS: You -- okay.  
20 So --  
21 COMMISSIONER ALLAN: Okay. So there was a question on --  
22 on time. And Art said two weeks. Do we need to -- Art, did you  
23 amend that motion? Or I do I need to second it?  
24 DISTRICT ATTORNEY HERRERA: Amend it.  
25 COMMISSIONER CLARK: Yeah. I did for -- for two weeks.  
26 COMMISSIONER ALLAN: Okay. I'll second that amendment.  
27 CHAIRMAN MILLS: Okay.  
28 So Art's made a motion. Judie seconded.  
29 Do we have any public comment?  
30 BILLY GANDOLFO: I have a comment.  
31 Billy Gandolfo, for the record.  
32 I just wanted to know kind of the verbiage that would go  
33 into that advertisement, you know, and then the pay scale that  
34 was going out for advertis- -- advertisement.  
35 Are they going to just, you know, pick up kind of what the  
36 judge is currently getting? Or -- or is it going to be an  
37 adapted position?  
38 Just because it- -- the motion kind of left a lot up to  
39 interpretation that we may not know what actually gets  
40 advertised.

1 COMMISSIONER CLARK: Well, we were just talking about the  
2 advertisement. That's all.  
3 BILLY GANDOLFO: You -- it --  
4 COMMISSIONER CLARK: What --  
5 BILLY GANDOLFO: -- when you advertise the job, what --  
6 COMMISSIONER CLARK: The -- the executive --  
7 BILLY GANDOLFO: -- will --  
8 COMMISSIONER CLARK: -- director --  
9 BILLY GANDOLFO: -- be --  
10 COMMISSIONER CLARK: -- and the -- and the DA will get  
11 together and figure out what's left of the salary for the year  
12 and what responsibilities are. And that'll be in the --  
13 DISTRICT ATTORNEY HERRERA: All the --  
14 COMMISSIONER CLARK: -- advertisement.  
15 DISTRICT ATTORNEY HERRERA: -- responsibilities are set by  
16 statute.  
17 BILLY GANDOLFO: Okay.  
18 DISTRICT ATTORNEY HERRERA: I mean, there's not a lot --  
19 BILLY GANDOLFO: And mostly what --  
20 DISTRICT ATTORNEY HERRERA: -- for JP.  
21 BILLY GANDOLFO: -- I was looking for is -- you know,  
22 because people put in for the job are going to want to know what  
23 it's going to pay.  
24 COMMISSIONER CLARK: That'll --  
25 BILLY GANDOLFO: That's why --  
26 COMMISSIONER CLARK: -- be in the advertisement.  
27 BILLY GANDOLFO: Okay.  
28 COMMISSIONER CLARK: We don't --  
29 BILLY GANDOLFO: And that will --  
30 COMMISSIONER ALLAN: It should --  
31 COMMISSIONER CLARK: -- know --  
32 BILLY GANDOLFO: -- be --  
33 COMMISSIONER CLARK: -- right now.  
34 BILLY GANDOLFO: -- determined by them.  
35 CHAIRMAN MILLS: Well, it should --  
36 DISTRICT ATTORNEY HERRERA: No, --  
37 CHAIRMAN MILLS: -- it should --  
38 DISTRICT ATTORNEY HERRERA: -- you've --  
39 CHAIRMAN MILLS: -- pay what's currently being paid.  
40 COMMISSIONER BAKKER: No, it --

1 COMMISSIONER ALLAN: It will --  
2 COMMISSIONER BAKKER: -- it'll pick up currently --  
3 BILLY GANDOLFO: And that's all --  
4 COMMISSIONER BAKKER: -- with --  
5 BILLY GANDOLFO: -- I wanted it to --  
6 COMMISSIONER BAKKER: Yeah.  
7 BILLY GANDOLFO: -- be stated on the record and in that --  
8 COMMISSIONER WAITS: There's no reason --  
9 BILLY GANDOLFO: -- advertisement --  
10 COMMISSIONER BAKKER: -- for that to --  
11 BILLY GANDOLFO: -- (indiscernible).  
12 COMMISSIONER BAKKER: -- change.  
13 DISTRICT ATTORNEY HERRERA: No, that -- that --  
14 COMMISSIONER CLARK: No.  
15 DISTRICT ATTORNEY HERRERA: -- shouldn't --  
16 COMMISSIONER CLARK: That won't --  
17 DISTRICT ATTORNEY HERRERA: -- change.  
18 COMMISSIONER CLARK: -- change.  
19 BILLY GANDOLFO: All right. Thank you.  
20 DISTRICT ATTORNEY HERRERA: Unless you negotiate --  
21 COMMISSIONER BAKKER: Thanks, Billy.  
22 DISTRICT ATTORNEY HERRERA: -- something.  
23 COMMISSIONER WAITS: Well, there -- there might be a reason  
24 for it to change, like if we appointed Denise for example.  
25 DISTRICT ATTORNEY HERRERA: Right.  
26 COMMISSIONER WAITS: We don't --  
27 DISTRICT ATTORNEY HERRERA: There --  
28 COMMISSIONER WAITS: -- have to give her a full salary. We  
29 can give her an extra -- extra payment --  
30 BILLY GANDOLFO: Right.  
31 COMMISSIONER WAITS: -- to -- to do that.  
32 But, I mean, there are, you know, there are things that are a  
33 little bit --  
34 BILLY GANDOLFO: Exactly.  
35 COMMISSIONER BAKKER: Well, but noncounty employee put in  
36 or someone who's not being paid by the county, they should pick  
37 up --  
38 COMMISSIONER WAITS: Right.  
39 COMMISSIONER BAKKER: -- where the last judge left --  
40 COMMISSIONER WAITS: Right.

1 COMMISSIONER BAKKER: -- off.  
2 COMMISSIONER WAITS: Right.  
3 DISTRICT ATTORNEY HERRERA: Right.  
4 COMMISSIONER BAKKER: Right.  
5 COMMISSIONER WAITS: Because it would be their  
6 responsibility for the rest of the year. Right.  
7 COMMISSIONER BAKKER: Right.  
8 COMMISSIONER WAITS: And only that. Yeah.  
9 Okay.  
10 CHAIRMAN MILLS: Did you have something, Keith, on that?  
11 KEITH WESTENGARD: Yeah. So we'll get a -- if we -- if we  
12 get it out to advertise -- I just want to go over some time  
13 frames -- the soonest we can get it in the paper would be next  
14 week.  
15 Then it -- then it'll be -- it's going to be the end of  
16 April before we see anything back to the meeting.  
17 COMMISSIONER CLARK: Hopefully --  
18 KEITH WESTENGARD: The soonest --  
19 COMMISSIONER CLARK: -- we can --  
20 KEITH WESTENGARD: -- we can --  
21 COMMISSIONER CLARK: -- appoint --  
22 KEITH WESTENGARD: -- get it in --  
23 COMMISSIONER CLARK: -- somebody the first meeting in May.  
24 I don't --  
25 KEITH WESTENGARD: Yeah.  
26 COMMISSIONER CLARK: -- want to go any further than that.  
27 KEITH WESTENGARD: Yeah. The A- -- April -- we might be  
28 able to get it on the 26th. But it's more likely --  
29 COMMISSIONER CLARK: Yeah.  
30 KEITH WESTENGARD: -- going to be the first meeting in May.  
31 COMMISSIONER WAITS: So in the interim we have a -- a  
32 choice of doing that. Or the way that -- actually, the way that  
33 Judge Max came in that Judge Shirley appointed, he can still  
34 continue to do that for another month for us; right?  
35 DISTRICT ATTORNEY HERRERA: Well, he's --  
36 COMMISSIONER WAITS: If --  
37 DISTRICT ATTORNEY HERRERA: -- he's still --  
38 COMMISSIONER WAITS: -- if --  
39 DISTRICT ATTORNEY HERRERA: -- the special master. Yes.  
40 COMMISSIONER WAITS: The -- with the appointment.



1 DISTRICT ATTORNEY HERRERA: Yes.  
2 COMMISSIONER WAITS: We -- we could do that for another  
3 month --  
4 CHAIRMAN MILLS: Okay. If we --  
5 COMMISSIONER WAITS: -- instead of moving everything up  
6 here.  
7 DISTRICT ATTORNEY HERRERA: No, no. We still have to -- he  
8 -- his special master doesn't allow him to hear a case.  
9 It does not. So I -- I would still have to file here --  
10 COMMISSIONER WAITS: Okay.  
11 DISTRICT ATTORNEY HERRERA: -- on -- on those cases.  
12 COMMISSIONER WAITS: Okay.  
13 DISTRICT ATTORNEY HERRERA: But he does administerial stuff  
14 and --  
15 COMMISSIONER WAITS: Okay.  
16 DISTRICT ATTORNEY HERRERA: -- which is very important.  
17 COMMISSIONER WAITS: But -- but he could still do that for  
18 the next --  
19 DISTRICT ATTORNEY HERRERA: Yeah.  
20 COMMISSIONER WAITS: -- month, --  
21 DISTRICT ATTORNEY HERRERA: Absolutely.  
22 COMMISSIONER WAITS: -- I'm saying, right?  
23 DISTRICT ATTORNEY HERRERA: If he chooses to do it.  
24 JUDGE MAX BUNCH: If I choose to, yep. That's correct.  
25 DISTRICT ATTORNEY HERRERA: If --  
26 COMMISSIONER WAITS: Okay.  
27 DISTRICT ATTORNEY HERRERA: -- if --  
28 COMMISSIONER WAITS: So but if he doesn't choose to do it,  
29 we need to make another decision today.  
30 So I guess the question is, Judge, --  
31 JUDGE MAX BUNCH: Currently -- currently I'm appointed as a  
32 special master. And I am doing it as of yesterday. As you  
33 know, I was in Austin yesterday taking care of those duties that  
34 I had to do there.  
35 COMMISSIONER WAITS: So you will continue to do that till  
36 we make --  
37 JUDGE MAX BUNCH: At this point, --  
38 COMMISSIONER WAITS: -- a -- a decision --  
39 JUDGE MAX BUNCH: -- yes.  
40 COMMISSIONER WAITS: -- here?

1 JUDGE JIM SHIRLEY: Sure.  
2 COMMISSIONER WAITS: Hopefully, the first of May? First  
3 part of --  
4 CHAIRMAN MILLS: Okay.  
5 COMMISSIONER WAITS: -- May? Okay. Thank you.  
6 CHAIRMAN MILLS: So this -- Ted, does this -- this covers  
7 us for now? And we're --  
8 DISTRICT ATTORNEY HERRERA: I -- I --  
9 CHAIRMAN MILLS: -- we're taking --  
10 DISTRICT ATTORNEY HERRERA: -- believe so.  
11 CHAIRMAN MILLS: -- appropriate action --  
12 DISTRICT ATTORNEY HERRERA: And -- and --  
13 CHAIRMAN MILLS: -- in your opinion?  
14 DISTRICT ATTORNEY HERRERA: -- Judge Bunch and I will --  
15 will talk it out if -- if there's any -- if -- if --  
16 CHAIRMAN MILLS: Well --  
17 DISTRICT ATTORNEY HERRERA: -- there's any gaps. But  
18 I'm -- I'm pretty --  
19 CHAIRMAN MILLS: Okay.  
20 DISTRICT ATTORNEY HERRERA: -- sure.  
21 COMMISSIONER CLARK: I --  
22 DISTRICT ATTORNEY HERRERA: -- we should be covered if I  
23 file here; don't you think, Judge?  
24 JUDGE MAX BUNCH: At that -- this point, yes, I think there  
25 would be nothing changed. The special master appointment is  
26 open ended.  
27 DISTRICT ATTORNEY HERRERA: Yeah.  
28 JUDGE JIM SHIRLEY: So then -- actually it's only open  
29 ended until you guys make that decision. And when you make that  
30 decision, then that special master --  
31 DISTRICT ATTORNEY HERRERA: Right.  
32 JUDGE MAX BUNCH: -- stops.  
33 DISTRICT ATTORNEY HERRERA: Upon appointment or elected --  
34 election.  
35 COMMISSIONER CLARK: Okay. I would -- I would make a  
36 suggestion that when we advertise if we get a quick response of  
37 somebody that we feel is qualified -- I mean, let's have a  
38 special meeting and get this over with. Let's get this done.  
39 DISTRICT ATTORNEY HERRERA: You still have to wait for the  
40 end of the advertising.

1 COMMISSIONER CLARK: Oh, that's right.  
2 DISTRICT ATTORNEY HERRERA: Unfortunately.  
3 COMMISSIONER CLARK: Yeah.  
4 CHAIRMAN MILLS: Any further discussion? There's just no  
5 way that -- to expedite this thing.  
6 COUNTY CLERK SULLIVAN: I have --  
7 DISTRICT ATTORNEY HERRERA: Well --  
8 COUNTY CLERK SULLIVAN: -- a question.  
9 Sadie Sullivan, for the record.  
10 On that, Keith, now I think it has to be in noon today in  
11 order for it to publish next week. So do you -- will you get --  
12 it may not go in till April 4th?  
13 KEITH WESTENGARD: Yeah. I -- I don't think we'll be done  
14 by noon by the time we sit down, --  
15 COUNTY CLERK SULLIVAN: Right. And we won't have the --  
16 KEITH WESTENGARD: -- come up --  
17 COUNTY CLERK SULLIVAN: -- the wording --  
18 KEITH WESTENGARD: It'll be next --  
19 COUNTY CLERK SULLIVAN: -- for it.  
20 KEITH WESTENGARD: -- week.  
21 COUNTY CLERK SULLIVAN: So it won't be till April 4th  
22 publication?  
23 KEITH WESTENGARD: Right. That's why I say soonest would  
24 be the end of April, but most likely the first of May before --  
25 first part of -- first meeting in May when it comes back to the  
26 board.  
27 CHAIRMAN MILLS: Okay.  
28 So Art made a motion. Judie seconded.  
29 Do we have any public comment?  
30 (No comment.)  
31 CHAIRMAN MILLS: All in favor?  
32 COMMISSIONER BAKKER: Aye.  
33 COMMISSIONER CLARK: Aye.  
34 CHAIRMAN MILLS: Aye.  
35 COMMISSIONER ALLAN: Aye.  
36 COMMISSIONER WAITS: Aye.  
37 COMMISSIONER CLARK: Can we take a five-minute break, Doug?  
38 COMMISSIONER BAKKER: Okay. Austin, we're going to take a  
39 minute break. Or --  
40 MITESHELL LANHAM: All right.

1 (Break taken between 10:02 a.m. and 10:12 a.m.)

2  
3 CHAIRMAN MILLS: -- order.

4  
5 **4) Discussion for possible action to approve/disapprove**  
6 **Proclamation 2018-02 declaring March 10, 2018, Vicky Jones**  
7 **Day, and all other matters properly related thereto.**

8  
9 CHAIRMAN MILLS: We're on Item Number 4. Discussion for  
10 possible action to approve/disapprove Proclamation 2018-02  
11 declaring March 10th, 2018, Vicky Jones Day, and all other  
12 matters properly related thereto.

13 KEITH WESTENGARD: This was put forth by Austin EMS. And  
14 Kim is out sick today. So she has written some I can read to  
15 you. I can try to answer any questions you might have.

16 So this is from Kim.

17 Vicky Jones was instrumental in the operation of Austin  
18 Ambulance. She served in the Austin community for over 30  
19 years. Austin ambulance would not be where it is today without  
20 people like Vicky Jones.

21 Today we give thanks to Vicky and thanks for her family --  
22 thanks to her family for sharing her with EMS. And we ask your  
23 permission to proclaim March 10th Vicky Jones Day.

24 Austin, Nevada.

25 Thank you.

26 My apologies, but I'm having some medical issues at this  
27 moment.

28 COMMISSIONER BAKKER: Okay.

29 COMMISSIONER ALLAN: So I guess my only question is, so  
30 we'll declare March 10th, Vicky Jones Day and approve it this  
31 22nd, which means that we didn't really get a chance to  
32 recognize it on the 10th.

33 KEITH WESTENGARD: Right.

34 But possibly in the future.

35 COMMISSIONER ALLAN: But possibly.

36 COMMISSIONER WAITS: Actually, Vicky passed away earlier  
37 this year. And I think it was -- what? -- North Dakota that --  
38 that she --

39 KEITH WESTENGARD: I --

40 COMMISSIONER WAITS: -- lives? Yeah.

1 But on the 10th, they had a -- a special memorial for her in  
2 Austin. And all the EMS did last call for her.

3 COMMISSIONER ALLAN: Okay.

4 COMMISSIONER WAITS: So I think it's after the fact. It  
5 isn't like it's a proclamation of anything. It's just that --

6 COMMISSIONER ALLAN: It's memorializing.

7 COMMISSIONER WAITS: -- this -- this -- by us honoring her,  
8 this way, they would be able to give it to the family in  
9 commemoration of -- of that memorial that we did on the 10th.

10 I think that's --

11 KEITH WESTENGARD: Oh.

12 COMMISSIONER WAITS: -- why it's after the --

13 KEITH WESTENGARD: Right.

14 COMMISSIONER WAITS: -- fact.

15 KEITH WESTENGARD: Thank you. I didn't know that,  
16 Commissioner Waits.

17 COMMISSIONER WAITS: Well, that's what I would put  
18 together. Because the 10th was -- was a --

19 CHAIRMAN MILLS: Uh-huh.

20 COMMISSIONER WAITS: -- special memorial --

21 KEITH WESTENGARD: Right.

22 COMMISSIONER WAITS: -- for her. And --

23 COMMISSIONER ALLAN: Well --

24 COMMISSIONER WAITS: -- that's true. She was a dynamo  
25 in -- in EMS. It was just a -- a real passion for her. And --  
26 and certainly contributed more than -- than a lot of people ever  
27 would. So --

28 And then when she went to North Dakota, she continued. She  
29 just didn't stop. But, of --

30 COMMISSIONER ALLAN: Well, I'll --

31 COMMISSIONER WAITS: -- course --

32 COMMISSIONER ALLAN: -- make a motion that we approve  
33 Proclamation 2018-02 declaring March 10th, 2018, Vicky Jones  
34 Day. And do I need to read the proclamation?

35 CHAIRMAN MILLS: Do we need to read it into the record?  
36 Ted?

37 DISTRICT ATTORNEY HERRERA: Pardon me?

38 CHAIRMAN MILLS: Do we need to read this proclamation into  
39 the record?

40 DISTRICT ATTORNEY HERRERA: You probably should.

1 CHAIRMAN MILLS: Okay.

2 DISTRICT ATTORNEY HERRERA: It's not a resolution. So  
3 technically you may not have to. But I think it would be a good  
4 --

5 COMMISSIONER ALLAN: Okay.

6 CHAIRMAN MILLS: Cleaner? A little cleaner if we --

7 DISTRICT ATTORNEY HERRERA: Yeah.

8 CHAIRMAN MILLS: -- did?

9 COMMISSIONER WAITS: And I'll --

10 CHAIRMAN MILLS: Okay.

11 COMMISSIONER WAITS: -- second the motion. You haven't had  
12 a second yet, have you?

13 COMMISSIONER ALLAN: Okay.

14 CHAIRMAN MILLS: Okay.

15 COMMISSIONER ALLAN: Lander County Proclamation 2018-02 in  
16 support of March 10th, 2018, Vicky Jones Day, to designate the  
17 day of March 10th, 2018, as Vicky Jones Day.

18 Whereas participation in the community is vital to small  
19 rural areas and public service is a critical part of all  
20 communities.

21 And whereas Vicky Jones sometimes worked two to three jobs  
22 to make ends meet and support her family.

23 And whereas Vicky Jones was given the Outstanding  
24 Instructor Award in 2001, Citizen of the Year in 2002, served on  
25 the Fair and Recreation Board for 13 years, joined the volunteer  
26 ambulance service in Austin, and remained a member for 30 years,  
27 and was always ready to provide lifesaving care to those in  
28 need, 24 hours a day, seven days a week.

29 And whereas the training to become an EMT/AEMT is  
30 exhausting but the continuing education to keep your  
31 certification, li- -- licensure can be just as exhausting year  
32 and year out.

33 And whereas access to quality and responsive emergency care  
34 dramatically improves the survival and recovery rate of those  
35 who experience sudden illness or injury.

36 And whereas the local volunteer emergency medical service has  
37 grown to fill a gap by providing important out-of-hospital care,  
38 including 911 response; preventive medication; follow-up visits;  
39 sometimes even a ride to access the system when an ambulance ride  
40 wasn't what they wanted; or even just providing a meal.

1 And whereas the emergency medical services system consists of  
2 emergency medical responders, emergency medical technicians,  
3 advanced emergency medical technicians, paramedics, emergency  
4 medical dispatchers, firefighters, police officers, educators,  
5 administrators, pre-hospital nurses, emergency nurses, emergency  
6 physicians, trained members of the public, and others who remember  
7 and have worked with Vicky Jones.

8 And whereas it is appropriate to recognize the value, the  
9 need, the cost savings, and the accomplishments of emergency  
10 medical services providers by remembering those that have given  
11 so much to their community.

12 Now, therefore, we the board of Lander County Commissioners  
13 in recognition of the selfless act of volunteerism as a true hero  
14 to the community as an EMT/AEMT and EMS instructor and a citizen  
15 of Austin, Nevada, in Lander County, let it be resolved that the  
16 Lander County Commissioners hereby proclaim the day of March 10th,  
17 2018, as Vicky Jones Day in all of Lander County.

18 Passed, approved, and adopted this 22nd day of March 2018  
19 by...

20 COMMISSIONER WAITS: Have our chair sign it?

21 COMMISSIONER ALLAN: Doug Mills, chairman of Lander County  
22 Commission.

23 CHAIRMAN MILLS: Okay. Judie made her motion. Patsy  
24 seconded.

25 Do we have any public comment?

26 COMMISSIONER CLARK: Yeah. Is there any place in Austin  
27 where we could get a plaque to honor Vicky --

28 COMMISSIONER BAKKER: The ambulance --

29 COMMISSIONER CLARK: -- Jones --

30 COMMISSIONER BAKKER: -- barn?

31 COMMISSIONER CLARK: -- and put it up?

32 COMMISSIONER WAITS: Yeah. Probably we'd -- we'd put --  
33 because they've named the ambulance barn after an- -- another  
34 one of our volunteers, (indiscernible) Gandolfo who was for  
35 years and years and years so very active.

36 So a plaque in the EMS barn, I think, would be --

37 KEITH WESTENGARD: Okay.

38 COMMISSIONER WAITS: -- very appropriate.

39 COMMISSIONER CLARK: We'll put that on the next agenda and  
40 get it approved? We have to do that?

1 COMMISSIONER BAKKER: I --  
2 LOUIS LANI: If I could, this is Louis Lani in Austin.  
3 I'd like to make a comment on Vicky's behalf.  
4 COMMISSIONER BAKKER: Go ahead, Louis.  
5 LOUIS LANI: Vicky worked with me. We set up the first EMT  
6 class. I don't know, it was many years ago here in Austin.  
7 And her and I worked together on the Austin for the better  
8 part of 20 years. She was great help. And she des- -- she  
9 deserves all the recognition she can get on it. She -- she was a  
10 sweetheart to work with and very knowledgeable.  
11 COMMISSIONER BAKKER: Thank you.  
12 COMMISSIONER CLARK: So a plaque?  
13 COMMISSIONER WAITS: Under -- under the "all matters  
14 pertaining thereto," we --  
15 COMMISSIONER CLARK: Okay.  
16 COMMISSIONER WAITS: -- we could certainly include the  
17 plaque along with it. It doesn't need to come back on, --  
18 COMMISSIONER CLARK: Okay.  
19 COMMISSIONER WAITS: -- I don't believe.  
20 COMMISSIONER CLARK: Let's get started on that.  
21 KEITH WESTENGARD: All right.  
22 COMMISSIONER BAKKER: Did you hear that, Louis?  
23 COMMISSIONER CLARK: Louis?  
24 LOUIS LANI: No, I couldn't.  
25 COMMISSIONER CLARK: We're going to -- we're going to get a  
26 plaque to put in the EMS building.  
27 LOUIS LANI: That's a good idea. But another one that was  
28 a lot of help down here was Terry -- Terry -- Theresa Gandolfo.  
29 COMMISSIONER WAITS: Uh-huh.  
30 LOUIS LANI: She's got a plaque up there. And I think Vic-  
31 -- Vicky more than deserves one.  
32 COMMISSIONER BAKKER: Okay. Then we'll get it done.  
33 CHAIRMAN MILLS: Do we need to amend the motion to include  
34 the plaque?  
35 DISTRICT ATTORNEY HERRERA: You can make another one.  
36 CHAIRMAN MILLS: Okay.  
37 COMMISSIONER CLARK: Yeah. Just make another one.  
38 I'll make a motion --  
39 CHAIRMAN MILLS: All right. Well, let me --  
40 COMMISSIONER BAKKER: Hold on.



1 COMMISSIONER WAITS: Motion's --  
2 CHAIRMAN MILLS: Let's finish --  
3 COMMISSIONER WAITS: -- on the floor.  
4 CHAIRMAN MILLS: -- let's finish this vote first.  
5 Do we have any other public comment?  
6 (No comment.)  
7 CHAIRMAN MILLS: All in favor?  
8 COMMISSIONER BAKKER: Aye.  
9 COMMISSIONER CLARK: Aye.  
10 COMMISSIONER ALLAN: Aye.  
11 COMMISSIONER WAITS: Aye.  
12 COMMISSIONER CLARK: I -- I'll make a motion that we give  
13 the executive director permission to build a plaque for Vicky  
14 Jones and put it in the EMS building. A nice one, Keith.  
15 Bronze.  
16 KEITH WESTENGARD: Okay.  
17 COMMISSIONER BAKKER: Second.  
18 CHAIRMAN MILLS: Okay. Art made a motion. Sean seconded.  
19 Do we have any public comment?  
20 (No comment.)  
21 CHAIRMAN MILLS: All in favor?  
22 COMMISSIONER BAKKER: Aye.  
23 COMMISSIONER CLARK: Aye.  
24 COMMISSIONER ALLAN: Aye.  
25 CHAIRMAN MILLS: Aye.  
26 COMMISSIONER WAITS: Aye.  
27 COMMISSIONER CLARK: And if -- if you get some pictures,  
28 just get them to us so we can --  
29 KEITH WESTENGARD: All right.  
30 COMMISSIONER CLARK: -- see it.

31

32 5) Discussion for possible action regarding the Austin  
33 realignment project and to have Summit Engineering give an  
34 update, and all other matters properly related thereto.  
35

36 CHAIRMAN MILLS: Okay. Next we have Item 5. And I'm also  
37 going to open Item 6.

38 Item 5 was discussion for possible action regarding the  
39 Austin realignment project and have Summit Engineering give an  
40 update, --

1 COMMISSIONER CLARK: I won't know --  
2 CHAIRMAN MILLS: -- and all other --  
3 COMMISSIONER CLARK: -- if --  
4 CHAIRMAN MILLS: -- matters properly related --  
5 COMMISSIONER CLARK: -- their names --  
6 CHAIRMAN MILLS: -- thereto.  
7 COMMISSIONER CLARK: -- on an ambulance --

8

9 **6) Discussion for possible action regarding the Battle Mountain**  
10 **levee and to have Summit Engineering give an update, and all**  
11 **other matters properly related thereto.**

12

13 CHAIRMAN MILLS: -- Item 6 --  
14 COMMISSIONER CLARK: -- too.  
15 CHAIRMAN MILLS: -- is discussion for possible action  
16 regarding the Battle Mountain levee --

17 COMMISSIONER WAITS: There's so many, --

18 CHAIRMAN MILLS: -- and have Summit --

19 COMMISSIONER WAITS: -- you'd have to --

20 CHAIRMAN MILLS: -- Engineering give an update, --

21 COMMISSIONER WAITS: -- do that for.

22 CHAIRMAN MILLS: -- and all other matters properly related  
23 thereto.

24 Good morning, Tom.

25 COMMISSIONER BAKKER: Good morning, Tom.

26 COMMISSIONER CLARK: Morning, Tom.

27 TOM GALLAGHER: Good morning.

28 COMMISSIONER CLARK: You bring that pickup truck over for  
29 me to drive?

30 TOM GALLAGHER: Yeah. I'm waiting for the '19 Raptor to  
31 come up.

32 Tom Gallagher with Summit Engineering, for the record. And I  
33 have with me today Jolene Hoffman who is performing the mapping  
34 and the surveying, both, in Austin.

35 Where we are, there's a few issues that may be simple and  
36 they may be very complex in our mapping.

37 First of all, we have the one recorded. We have three that  
38 are basically ready to be recorded.

39 The -- a lot of the eastern part of Austin is encumbered by a  
40 war between either Lander County -- either the water and sewer

1 board -- I'm not sure exactly who it is. I know Austin is a  
2 separate deal with the utilities. But --

3 And it's been ongoing and ongoing and ongoing. I've  
4 brought it up numerous times. And that is Austin Resources  
5 Property there.

6 To give you an example, we've got four maps right here.

7 And I -- I'm sorry. I should have brought an overhead for  
8 this.

9 Austin Resources -- just a little square right here, which  
10 cuts off the access to four maps.

11 Okay?

12 COMMISSIONER CLARK: Cuts off the access for what?

13 TOM GALLAGHER: I'm probably going to have to show this to  
14 you so you can understand what -- what we're talking about.

15 Let's see. I'm approaching. Can I come forward?

16 CHAIRMAN MILLS: Come on up.

17 COMMISSIONER CLARK: I'll be the sergeant of arms.

18 TOM GALLAGHER: Okay. Thank you.

19 That piece of property belongs to Austin Resources --

20 COMMISSIONER CLARK: Okay.

21 TOM GALLAGHER: -- where the road goes through. This piece  
22 of property belongs to Austin Resources.

23 COMMISSIONER CLARK: Okay.

24 TOM GALLAGHER: This one is a different deal. This is a  
25 piece that the lady -- a tribal member that died owned that.

26 And supposedly it reverts back to the tribe. But there's  
27 something about if a person dies in their house, then it's not  
28 supposed to be disturbed or it's supposed to be somehow  
29 memorialized. Now I have an engineer that works for me that is a  
30 tribal member. He's going to try to get that resolved.

31 These three right here are basically ready to record.

32 Our next step is going to be just to go out and set nails,  
33 rough nails on the corners, meet with all the owners, get them to  
34 agree that those are the lines of oc- -- occupation, then record  
35 them.

36 Okay?

37 This one is all Austin Resources.

38 And I had a discussion with Austin Resources as late as  
39 yesterday. And my proposal to the board is for us to just take  
40 the whole map, outline the problems that Austin Resources could

1 cause us, and if I have to, I will get on an airplane and go meet  
2 with Austin Resources in Salt Lake and try to get this issue rev-  
3 -- resolved.

4 It just -- I mean, it benefits him. And I just don't -- I  
5 just don't understand if he -- I know our last surveyor that  
6 worked on this got -- he was hurling around threats of suits and  
7 everything else. And some people don't take that as lightly as I  
8 do.

9 So...

10 COMMISSIONER CLARK: But we can get the rest of those  
11 plots --

12 TOM GALLAGHER: Yeah. We can do --

13 COMMISSIONER BAKKER: -- recorded and done.

14 TOM GALLAGHER: Right.

15 COMMISSIONER ALLAN: Ted?

16 TOM GALLAGHER: Right.

17 But trying to stay completely away from land that -- I  
18 mean, we have a major road going through. And all of a sudden  
19 he owns a piece of property in the middle of it.

20 So we've got to get it resolved one way or the other. And  
21 --

22 COMMISSIONER CLARK: You said it was a mess.

23 COMMISSIONER ALLAN: So --

24 COMMISSIONER CLARK: Wow.

25 TOM GALLAGHER: It's not as easy --

26 COMMISSIONER WAITS: After all of this --

27 TOM GALLAGHER: -- as it looks. I can tell you that.  
28 Yeah?

29 COMMISSIONER CLARK: Good luck, --

30 COMMISSIONER ALLAN: Is --

31 COMMISSIONER CLARK: -- Tom.

32 COMMISSIONER ALLAN: -- can we -- can we do any  
33 condemnation? Or --

34 TOM GALLAGHER: At that point you're going to be in for a  
35 lot --

36 COMMISSIONER ALLAN: I know it --

37 TOM GALLAGHER: -- of court time and --

38 COMMISSIONER ALLAN: It's --

39 TOM GALLAGHER: that kind of stuff.

40 COMMISSIONER ALLAN: -- time-consuming.

1 TOM GALLAGHER: And I just don't know if it's -- if I  
2 can -- if I can talk to the guy and he -- I've met with him  
3 before. And he seems reasonable. But then he has problems with  
4 his water and utility bills, cell tower.

5 I just want to sit down face to face with him and find out  
6 exactly what it's going to take to get this resolved. Or if it  
7 can't be resolved, then we'll quit messing with it.

8 COMMISSIONER WAITS: And I think that's probably true.  
9 There's a -- there's a time maybe that we have to cut loss and  
10 say, --

11 TOM GALLAGHER: Yeah.

12 COMMISSIONER WAITS: -- forget that whole area. But for  
13 right now, I mean, the -- the whole key is he's dealing with the  
14 county with us. He's dealing with the water department in  
15 Austin. And --

16 TOM GALLAGHER: Right.

17 COMMISSIONER WAITS: -- and he's combining the two, I know.  
18 But, actually, we're separate.

19 We're saying, can you do this for us here? And this is what  
20 we need. And you can have all -- all the -- the time to do  
21 whatever you want to with Austin.

22 TOM GALLAGHER: Yeah.

23 COMMISSIONER WAITS: Because that has two sides to it.  
24 And, of course, --

25 TOM GALLAGHER: Right, because --

26 COMMISSIONER WAITS: -- they both --

27 TOM GALLAGHER: -- this --

28 COMMISSIONER WAITS: -- think they're right.

29 TOM GALLAGHER: -- this stuff comes --

30 When it comes --

31 COMMISSIONER WAITS: Yeah.

32 TOM GALLAGHER: -- back, it comes back to Lander County.

33 COMMISSIONER WAITS: But if it --

34 TOM GALLAGHER: It's not the Austin --

35 COMMISSIONER WAITS: And he's --

36 TOM GALLAGHER: -- itself.

37 COMMISSIONER WAITS: -- he stopped returning your phone  
38 calls?

39 TOM GALLAGHER: No, I can get ahold of him fine. I think  
40 he stopped returning the phone calls to anybody whose name comes

1 up with a Lander County phone number.  
2 COMMISSIONER CLARK: Wasn't -- wasn't this --  
3 TOM GALLAGHER: I even called him on an unidentified num-  
4 -- line yesterday.  
5 And he --  
6 COMMISSIONER CLARK: Was -- was this --  
7 TOM GALLAGHER: -- did bring up.  
8 COMMISSIONER CLARK: -- the guy that got an attorney,  
9 Patsy?  
10 COMMISSIONER WAITS: No. Just threatened so --  
11 TOM GALLAGHER: He's --  
12 COMMISSIONER WAITS: -- far. He's just --  
13 COMMISSIONER CLARK: Oh.  
14 COMMISSIONER WAITS: -- been threatening.  
15 TOM GALLAGHER: He's been threatening for --  
16 COMMISSIONER WAITS: Yeah, that's what he said.  
17 COMMISSIONER CLARK: Well --  
18 COMMISSIONER WAITS: He takes it lightly. The rest of them  
19 go, "An attorney."  
20 TOM GALLAGHER: Yeah, I don't --  
21 COMMISSIONER WAITS: You know. It's a litigious society,  
22 --  
23 COMMISSIONER CLARK: Yeah.  
24 COMMISSIONER WAITS: -- whatever you --  
25 COMMISSIONER CLARK: -- as soon as --  
26 COMMISSIONER WAITS: -- say.  
27 COMMISSIONER CLARK: -- you hear "attorney," you just --  
28 COMMISSIONER WAITS: Yeah.  
29 COMMISSIONER CLARK: -- go, okay.  
30 TOM GALLAGHER: And I don't --  
31 COMMISSIONER WAITS: Well, if you can't handle it by phone,  
32 you've got to handle it somehow. Or we've got to come back and  
33 say, cut loss.  
34 COMMISSIONER BAKKER: And I --  
35 Yeah. And I'd really like to see that those other plots get  
36 done. So...  
37 TOM GALLAGHER: Yeah. Well, the ones that don't affect him  
38 --  
39 COMMISSIONER BAKKER: Yeah.  
40 TOM GALLAGHER: But it's not really fair to the people

1 that --

2 COMMISSIONER WAITS: Well, of course not. And, of course,

3 we've been holding up on all of our -- our roads --

4 TOM GALLAGHER: Uh-huh.

5 COMMISSIONER WAITS: -- for -- what? -- the last two or

6 three years now. So Bert's waiting.

7 Yes, we've got to have the other ones done. That will give

8 us three --

9 TOM GALLAGHER: Well, that's why --

10 COMMISSIONER WAITS: -- ready to record and one recorded?

11 TOM GALLAGHER: Yeah.

12 COMMISSIONER WAITS: At least we can plan on something

13 because --

14 TOM GALLAGHER: That's what we want. That's why I want

15 to --

16 COMMISSIONER WAITS: Yeah.

17 TOM GALLAGHER: -- sit down with him --

18 COMMISSIONER WAITS: They need to --

19 TOM GALLAGHER: -- with the whole --

20 COMMISSIONER WAITS: -- be done.

21 TOM GALLAGHER: -- map of Austin and --

22 COMMISSIONER WAITS: Okay.

23 TOM GALLAGHER: -- resolve the whole thing at once. I

24 don't know what's going on with the cell tower.

25 I saw some correspondence that I glanced through that Keith

26 just gave me, recent correspondence that it sounds it's still

27 sticking in his neck.

28 So...

29 And if you're making millions off the cell tower, then he's

30 going to be harder to deal with.

31 COMMISSIONER WAITS: Yes. But we're not. So it's okay.

32 TOM GALLAGHER: So tell me you're not making millions off

33 the cell tower.

34 COMMISSIONER WAITS: Everybody's told him. Louis Lani can

35 tell him. I mean, everybody's told him. He's -- we're not

36 making millions. He gave us --

37 TOM GALLAGHER: Well --

38 COMMISSIONER WAITS: -- the property to a cell tower. And

39 he thinks now that they're making all kinds of money. And he

40 doesn't want to pay his water bill because of it.

1 TOM GALLAGHER: Maybe I can make a deal with him and meet  
2 him in Elko, as much as I don't want to go to Salt Lake.  
3 COMMISSIONER WAITS: Well, tell him the county isn't making  
4 the millions. And so we need to deal with him.  
5 TOM GALLAGHER: All right. But that's the status of  
6 Austin.  
7 COMMISSIONER WAITS: Okay.  
8 COMMISSIONER BAKKER: Austin?  
9 LOUIS LANI: Can I inter- -- intervene here again?  
10 COMMISSIONER BAKKER: Yep.  
11 LOUIS LANI: Louis Lani in Austin.  
12 CHAIRMAN MILLS: Go ahead, Lou.  
13 LOUIS LANI: That 80-foot cell tower was put in at the  
14 request of Lander County. And it's the communications for  
15 Lander County Sheriff's Office.  
16 The property that it's setting on up there, Lander County  
17 Sewer and Water #2 down here got a quitclaim deed from Austin  
18 Resources. And the water department waived the water fees for the  
19 past year prior to that for the clear title to that property.  
20 And I don't know why he just keeps coming back. Mr. Hughes,  
21 I don't know if he's just after free water. But the other  
22 properties, it was discovered that he was having around here.  
23 Because all the properties had -- get these fees charged to  
24 anything that's fronted or sided by a sewer and water main,  
25 irregardless of whether there's a building on it or not.  
26 And he's trying to beat that. He wants free water and  
27 sewer down here.  
28 COMMISSIONER BAKKER: Okay.  
29 COMMISSIONER ALLAN: Okay, Tom. So just so I'm clear.  
30 If -- obviously go talk to him and -- and see if there can be  
31 some kind of resolution.  
32 If not, you've got the rest of Austin. You've got some that  
33 are ready to record now?  
34 TOM GALLAGHER: Yes.  
35 COMMISSIONER ALLAN: Okay. So those can be recorded.  
36 How much more work is involved if you just kind of --  
37 Is leave that alone and -- and just finish the rest of  
38 Austin.  
39 Can you --  
40 TOM GALLAGHER: Well, the next time I stop by, I will bring



1 a map of all of Austin that shows you exactly what -- what areas  
2 he's going to be able to drop a wrench in the fan.  
3 COMMISSIONER ALLAN: Okay.  
4 COMMISSIONER BAKKER: But can we do all the other areas  
5 around him?  
6 COMMISSIONER ALLAN: Yeah. Yeah, basically --  
7 TOM GALLAGHER: Yeah.  
8 COMMISSIONER ALLAN: -- just --  
9 TOM GALLAGHER: -- anything we can do, we can go ahead and  
10 do. It's really going to -- as you saw on the map, --  
11 COMMISSIONER CLARK: Yeah.  
12 TOM GALLAGHER: -- it's going to make a real mess.  
13 COMMISSIONER CLARK: Well, you're going to be going down  
14 for a couple miles and then all of a sudden you've got dedicated  
15 land and then it's undedicated past there. What do you do?  
16 Loop around?  
17 TOM GALLAGHER: Well, hopefully, I'll be able to convince  
18 him that with the -- with the right-of-ways and that kind of  
19 stuff that he'll be able to incorporate into his land and --  
20 COMMISSIONER ALLAN: I -- I guess --  
21 TOM GALLAGHER: -- then maybe he'll accept something.  
22 Because --  
23 COMMISSIONER ALLAN: You know, I'm not fully understanding  
24 the process, is to basically do it -- do it as if he's  
25 cooperating so that, sure, some of those parcels won't be able  
26 to be recorded. But if you were just to continue on with the  
27 rest of Austin, as if he was cooperating to get those mapped  
28 out, --  
29 TOM GALLAGHER: Just play like he is.  
30 COMMISSIONER ALLAN: -- play like he is so that --  
31 TOM GALLAGHER: Okay.  
32 COMMISSIONER ALLAN: -- we can get -- get the rest of  
33 Austin done. And then those pieces that we need to get his  
34 cooperation with, go back and -- and deal with it then. But in  
35 the meantime, everything that you can do --  
36 TOM GALLAGHER: Yeah. We've got the control and the  
37 photogrammetry for the whole thing. That's -- that's not a  
38 problem.  
39 COMMISSIONER BAKKER: And -- and --  
40 TOM GALLAGHER: It's just --

1 COMMISSIONER BAKKER: -- who owns -- or I don't know how it  
2 works, but who's the Austin Resources?  
3 TOM GALLAGHER: A guy named Robert Hughes.  
4 COMMISSIONER BAKKER: Robert Hughes?  
5 TOM GALLAGHER: Yeah.  
6 COMMISSIONER BAKKER: And he lives in Salt Lake?  
7 TOM GALLAGHER: Yes.  
8 COMMISSIONER BAKKER: Okay.  
9 TOM GALLAGHER: See if I can get the Elko Cab Company to  
10 take me.  
11 COMMISSIONER CLARK: Why would a person -- why would a  
12 person complain if you were updating utilities?  
13 KEITH WESTENGARD: Because he wants money.  
14 DISTRICT ATTORNEY HERRERA: He wants more.  
15 TOM GALLAGHER: He wants to share with -- in your cell  
16 tower. If -- if I can convince him that you're not getting any  
17 money off your cell tower, maybe that part of the argument will  
18 be over.  
19 COMMISSIONER CLARK: How much is the cell tower --  
20 TOM GALLAGHER: Give --  
21 COMMISSIONER CLARK: -- worth? Can we move --  
22 TOM GALLAGHER: Give me --  
23 COMMISSIONER CLARK: -- it somewhere --  
24 TOM GALLAGHER: -- all the checks --  
25 COMMISSIONER CLARK: -- else?  
26 TOM GALLAGHER: -- that you --  
27 COMMISSIONER WAITS: No.  
28 TOM GALLAGHER: -- didn't get.  
29 KEITH WESTENGARD: That would -- that would be the  
30 Sheriff's -- the Sheriff's Department. I don't think so.  
31 COMMISSIONER CLARK: No, that -- that's the location you  
32 need.  
33 SHERIFF RON UNGER: Well, yes. And when we went down to  
34 get the -- thanks --  
35 TOM GALLAGHER: You can have the floor.  
36 SHERIFF RON UNGER: Yeah, Tom.  
37 Ron Unger, for the record.  
38 That is a -- the perfect location because of the height of  
39 the tower --  
40 COMMISSIONER CLARK: Okay.

1 SHERIFF RON UNGER: -- and the location of the town.  
2 COMMISSIONER CLARK: Mm.  
3 SHERIFF RON UNGER: And the county had the property that we  
4 did it on.  
5 So we had a -- what? -- a temporary one up there for a year  
6 or longer by the time it took them to build the others.  
7 But it -- it was not a -- it was requested by us. But it's  
8 an AT&T tower if I'm not mistaken. So that --  
9 COMMISSIONER WAITS: Uh-huh.  
10 SHERIFF RON UNGER: -- brought in the cell service that the  
11 county --  
12 COMMISSIONER CLARK: Oh.  
13 SHERIFF RON UNGER: -- needed down there. So it served  
14 many purposes.  
15 We instigated it or started the proceedings on it. But --  
16 COMMISSIONER BAKKER: I would just --  
17 SHERIFF RON UNGER: -- the location -- because of the  
18 microwave stations, you've got to be in line of sight.  
19 COMMISSIONER CLARK: Right.  
20 SHERIFF RON UNGER: And that's a perfect shot. And at one  
21 point, we was -- we were looking at that because we were  
22 discussing with Bert, at the Road and Bridge, with the new  
23 building that he had down in the flats there, that we could see  
24 that. So if it ever -- the point ever come that he needed to  
25 utilize it, it would hit there.  
26 So cost and effectiveness is what we was looking at. And  
27 it is the perfect location.  
28 COMMISSIONER CLARK: Yeah.  
29 SHERIFF RON UNGER: And if we move that, it's an AT&T --  
30 COMMISSIONER CLARK: No.  
31 SHERIFF RON UNGER: -- tower. So we're not dealing with  
32 the Sheriff's Office. You're dealing with AT&T. And then the  
33 sheriff's office -- if they did move that, then we would have to  
34 come back and have our own tower put up there for the usability.  
35 COMMISSIONER ALLAN: So AT&T is actually the one that's  
36 making money.  
37 SHERIFF RON UNGER: It's an AT&T tower if I'm not mistaken,  
38 Patsy.  
39 COMMISSIONER ALLAN: Not Lander --  
40 SHERIFF RON UNGER: It is.

1 COMMISSIONER ALLAN: -- County.  
2 COMMISSIONER WAITS: I believe so.  
3 SHERIFF RON UNGER: And because of the -- we got to hang  
4 our repeaters and our microwaves on that tower --  
5 CINDY BENSON: (Indiscernible) franchise (indiscernible).  
6 SHERIFF RON UNGER: -- for them to use -- utilize the  
7 property or however that -- that was negotiated out. So --  
8 COMMISSIONER BAKKER: Well, whether he agrees to it or not,  
9 I would like to see all the other properties --  
10 SHERIFF RON UNGER: Well, and --  
11 COMMISSIONER BAKKER: -- get done.  
12 SHERIFF RON UNGER: -- I understand that. And thank you.  
13 COMMISSIONER BAKKER: Thank you, Ron.  
14 COUNTY CLERK SULLIVAN: I have a question.  
15 Sadie Sullivan, for the record.  
16 Do we have an approximate of how many parcels that he is  
17 hold- -- that he has that's holding up everything? An  
18 approximate?  
19 TOM GALLAGHER: No, I don't have that.  
20 COUNTY CLERK SULLIVAN: Ten? Twenty? Forty?  
21 TOM GALLAGHER: Oh, more than that.  
22 COUNTY CLERK SULLIVAN: Yeah. Astronomical.  
23 COMMISSIONER ALLAN: Wow.  
24 TOM GALLAGHER: A lot of it.  
25 CHAIRMAN MILLS: He owns a lot. Yeah.  
26 COUNTY CLERK SULLIVAN: Yeah.  
27 TOM GALLAGHER: And he owns --  
28 COUNTY CLERK SULLIVAN: And I just wanted that clear for  
29 the record. It's not like it's just a couple parcels. It's --  
30 TOM GALLAGHER: No, he --  
31 COUNTY CLERK SULLIVAN: -- it's a good portion.  
32 CHAIRMAN MILLS: Got the east end of town or something.  
33 COMMISSIONER WAITS: He's a huge landowner.  
34 COUNTY CLERK SULLIVAN: Right.  
35 TOM GALLAGHER: He's got ten blocks just on the east end  
36 that all have parcels.  
37 COMMISSIONER BAKKER: So all that red there is his.  
38 TOM GALLAGHER: This -- this red part is his.  
39 This --  
40 COMMISSIONER BAKKER: Okay.

1 TOM GALLAGHER: -- piece right here is his.  
2 This piece in the middle of this road is his.  
3 So...

4 COMMISSIONER BAKKER: So, yeah, there's only three more  
5 parcels you can do without negotiating with him.

6 TOM GALLAGHER: Yeah. Until we go to the west.

7 COMMISSIONER BAKKER: Right.

8 TOM GALLAGHER: But, like I say, the control and everything  
9 else is done. Computer work is done.  
10 So it's just the cooperation that can mud- -- muddy up the  
11 works.

12 CHAIRMAN MILLS: Okay.

13 TOM GALLAGHER: So that's where we are with that.  
14 And the way of the levee, we're going full blast on design  
15 right now.  
16 The only thing that is holding us up at this point -- we're  
17 working right now on Muleshoe and Front Street, trying to get --  
18 it's going to require wide structures with pretty low rise on  
19 them to get the flood through there without closing the road  
20 down even -- or during a flood.  
21 So we're working on that right now.  
22 We're going on the -- the plan profiles --

23 COMMISSIONER WAITS: I'm sorry. Just -- just a minute,  
24 Tom. Are we -- are we on Number 6 now? Are we on --

25 COMMISSIONER ALLAN: He opened --

26 COMMISSIONER WAITS: -- the levee?

27 COMMISSIONER ALLAN: -- them both.

28 COMMISSIONER BAKKER: He did open --

29 CINDY BENSON: Yes.

30 COMMISSIONER BAKKER: -- them both.

31 COMMISSIONER WAITS: Oh, I missed that. Thank you.

32 COMMISSIONER BAKKER: You're good.

33 COMMISSIONER WAITS: Yes.

34 TOM GALLAGHER: Am I going --

35 COMMISSIONER WAITS: Thank you. No, you're fine. Thank  
36 you.

37 TOM GALLAGHER: Okay.  
38 Like I say, we're about 40 percent. The holdup right now  
39 is getting the drill rig on the site so we can get the soil  
40 samples we need to be sure the soils report will be approved by

1 FEMA.  
2 COMMISSIONER WAITS: Okay.  
3 TOM GALLAGHER: Okay.  
4 Aztec really doesn't want to bury one of their drill rigs out  
5 in the flat there.  
6 And we're incorporating the 500-foot setback along the  
7 highway for the other piece of land we added into it.  
8 And I hope everybody understands, when we did the original  
9 soils work, the levee wasn't moved. It wasn't straightened to  
10 take more of the county property out of the floodplain.  
11 So that ought to be done. That's going to be done next  
12 month. It should be completed, the report and everything, next  
13 month.  
14 But currently we're kind of designing the levee from the top  
15 down. I mean, we know where the water is, but we just don't know  
16 for sure exactly what we're going to have to do to build on it.  
17 So that's where we are with that.  
18 And we're still looking at bidding at the end of -- at the  
19 end of '19, going out for bids. And that will include FEMA  
20 approval of the CLOMR prior to going out for bids.  
21 COMMISSIONER BAKKER: Okay.  
22 TOM GALLAGHER: And Keith already gave me a number to build  
23 it that I have to work backwards into.  
24 So we'll see how that works.  
25 COMMISSIONER BAKKER: Keep it moving.  
26 CHAIRMAN MILLS: Okay.  
27 TOM GALLAGHER: Thank you.  
28 COMMISSIONER BAKKER: Thank you, Tom.  
29 COMMISSIONER WAITS: Thank --  
30 CHAIRMAN MILLS: Do we have --  
31 COMMISSIONER WAITS: -- you, Tom.  
32 CHAIRMAN MILLS: -- do we have any public comment? On  
33 Austin or the levee?  
34  
35  
36  
37  
38  
39  
40

1     **7) Discussion for possible action to approve/disapprove a**  
2     **modified contract between Lander Enterprises, LLC, and Lander**  
3     **County for the Mountain View Golf Course Clubhouse lease, and**  
4     **all other matters related thereto.**  
5

6           CHAIRMAN MILLS: Okay. We'll move on to Item 7.

7           Discussion for possible action to approve/disapprove a  
8 modified contract between Lander Enterprises, LLC, and Lander  
9 County for the Mountain View Golf Course Clubhouse lease, and all  
10 other matters properly related thereto.

11          COMMISSIONER BAKKER: I'm abstaining.

12          GERRIT BAKKER: Gerrit Bakker, for the record.

13          COMMISSIONER ALLAN: Sean, you need to tell why. You can't  
14 just say you have to --

15          COMMISSIONER BAKKER: Oh.

16          COMMISSIONER ALLAN: -- abstain.

17          COMMISSIONER BAKKER: Because he's my father.

18          COMMISSIONER ALLAN: Yeah.

19          CHAIRMAN MILLS: Good morning.

20          GERRIT BAKKER: To modify the contract a little bit for --  
21 until the groundskeeper actually opens up the course. Having it  
22 open up 7:00 o'clock in the morning right now is not benefiting  
23 neither parties.

24          COMMISSIONER WAITS: So we're --

25          GERRIT BAKKER: And we're --

26          COMMISSIONER WAITS: -- modifying --

27          GERRIT BAKKER: -- open every day anyway.

28          COMMISSIONER WAITS: So we're modifying the time frame of  
29 the --

30          GERRIT BAKKER: Yeah.

31          COMMISSIONER WAITS: -- that the greenskeeper can open it  
32 up.

33          GERRIT BAKKER: Yeah, until -- till the green keys are  
34 open.

35          COMMISSIONER WAITS: And anything else changing?

36          GERRIT BAKKER: Because we can't collect nothing. We're  
37 not doing nothing for the county --

38          DISTRICT ATTORNEY HERRERA: The --

39          GERRIT BAKKER: -- or nothing right now until the course  
40 opens.

1 COMMISSIONER WAITS: Okay.

2 DISTRICT ATTORNEY HERRERA: The other thing, Commissioner,  
3 is that we put in there a provision that if somebody wants to  
4 rent the -- the golf course for half a day or a day or a  
5 weekend, it -- it lists out a procedure for them to do it  
6 through the administrative office and for the administrative  
7 offices to -- to talk with the contractor, whoever the  
8 contractor is, to make sure that those are available.

9 But the payments and everything will be received by the  
10 county so that we can take -- take it out of the responsibility  
11 of the contractor and put it on the county where it -- where it  
12 belongs.

13 COMMISSIONER WAITS: Okay. So we're leaving the lease the  
14 same. We're just modifying it. And it's still -- it's --

15 DISTRICT ATTORNEY HERRERA: Oh, yeah.

16 COMMISSIONER WAITS: -- good till the end of 2019; right?

17 DISTRICT ATTORNEY HERRERA: Yeah.

18 COMMISSIONER WAITS: Okay.

19 COMMISSIONER ALLAN: So as far as -- Ted, when you talked  
20 about the administrative department handling the -- the requests  
21 for -- shouldn't that be through the parks? Because I know --  
22 doesn't -- doesn't Robin at the rec center take the -- the  
23 payment for the -- the greens fees?

24 DISTRICT ATTORNEY HERRERA: Commissioner, the  
25 reorganization is contrary to the ordinance. So at this time,  
26 I'm going to have to say no.

27 COMMISSIONER ALLAN: Okay.

28 DISTRICT ATTORNEY HERRERA: Even though the reorganization  
29 -- and -- and I'm in the process of doing a -- a legal opinion --  
30 on -- on that reorganization, as -- as you're aware. I've been  
31 very busy, though, with other things. But that's why we put the  
32 administrative offices.

33 COMMISSIONER ALLAN: Okay. I --

34 DISTRICT ATTORNEY HERRERA: Until --

35 COMMISSIONER ALLAN: -- just --

36 DISTRICT ATTORNEY HERRERA: -- until the --

37 COMMISSIONER ALLAN: You're getting so, --

38 DISTRICT ATTORNEY HERRERA: -- until --

39 COMMISSIONER ALLAN: -- you know, --

40 DISTRICT ATTORNEY HERRERA: -- the ordinance and -- and the



1 reorganization are on the same page, I -- I thought it would be  
2 better to --

3 COMMISSIONER ALLAN: Okay. I just -- you're getting too  
4 many fingers in the pie sometimes, I guess.

5 Because this -- this entity talking to this entity dealing  
6 with this entity -- and I just thought it would be simpler if --  
7 and that's my only --

8 DISTRICT ATTORNEY HERRERA: And --

9 COMMISSIONER ALLAN: -- question.

10 DISTRICT ATTORNEY HERRERA: -- and at some point in time,  
11 it will be, when the ordinance matches the -- the positions.

12 COMMISSIONER WAITS: Or -- or we might have -- have him  
13 take everything. Who knows? But for right now it's just  
14 special events under the new contract.

15 COMMISSIONER ALLAN: Well, --

16 DISTRICT ATTORNEY HERRERA: Yeah, it's just --

17 COMMISSIONER ALLAN: -- I understand --

18 DISTRICT ATTORNEY HERRERA: -- special events.

19 COMMISSIONER ALLAN: -- that. I understand --

20 COMMISSIONER WAITS: Yeah.

21 COMMISSIONER ALLAN: -- that.

22 COMMISSIONER WAITS: Okay.

23 COMMISSIONER ALLAN: But you know.

24 COMMISSIONER WAITS: But your question was why?

25 COMMISSIONER ALLAN: You know, you have to pay for those  
26 special events. And when you're paying for services at the golf  
27 course, then you pay the -- the parks department or, you know --  
28 So that's the only thing I'm -- I was asking about is the  
29 logic behind it.

30 BERT RAMOS: Bert Ramos, for the record.

31 So Robin, or anybody in that position, has never been the  
32 one that receives the funds. That's why they've always had the  
33 golf course bring them in and turn them in in the past. When  
34 Scott Bullock had it, that was what he was charging for turning  
35 in, you know, collecting --

36 COMMISSIONER ALLAN: I -- I --

37 BERT RAMOS: -- the county's money.

38 COMMISSIONER ALLAN: -- understand that, --

39 BERT RAMOS: So that's --

40 COMMISSIONER ALLAN: -- Bert.

1 BERT RAMOS: It's never been collected that way.  
2 COMMISSIONER ALLAN: I know. I know it's -- but she's  
3 collecting the greens fees now, isn't she?  
4 UNIDENTIFIED PARTICIPANT: No.  
5 BERT RAMOS: Never has.  
6 DISTRICT ATTORNEY HERRERA: No.  
7 BERT RAMOS: No.  
8 DISTRICT ATTORNEY HERRERA: No.  
9 COMMISSIONER ALLAN: Okay. That's my misunderstanding --  
10 DISTRICT ATTORNEY HERRERA: No, it --  
11 COMMISSIONER ALLAN: -- now.  
12 DISTRICT ATTORNEY HERRERA: It's all the administration.  
13 They're -- we --  
14 COMMISSIONER ALLAN: Okay.  
15 DISTRICT ATTORNEY HERRERA: -- we're making everything --  
16 COMMISSIONER ALLAN: Okay.  
17 DISTRICT ATTORNEY HERRERA: -- go to the --  
18 COMMISSIONER ALLAN: Then that -- that makes it clear,  
19 then. Because I -- I had thought I'd heard that the gl- -- the  
20 greens fees were being paid at the rec center now.  
21 COMMISSIONER CLARK: Keith?  
22 DISTRICT ATTORNEY HERRERA: It's not.  
23 COMMISSIONER CLARK: Didn't we have --  
24 DISTRICT ATTORNEY HERRERA: It has to be --  
25 COMMISSIONER CLARK: -- some --  
26 DISTRICT ATTORNEY HERRERA: I don't know, Commissioner. I  
27 --  
28 COMMISSIONER CLARK: Didn't we have some recommendations  
29 from the auditors on the procedure?  
30 KEITH WESTENGARD: Yes.  
31 COMMISSIONER CLARK: And the procedure was to bring the  
32 money in to the assessor --  
33 KEITH WESTENGARD: Yes.  
34 COMMISSIONER CLARK: -- or --  
35 KEITH WESTENGARD: It was --  
36 COMMISSIONER CLARK: -- one of the --  
37 KEITH WESTENGARD: Yes.  
38 DISTRICT ATTORNEY HERRERA: The administration.  
39 KEITH WESTENGARD: Yes.  
40 COMMISSIONER CLARK: Who? To who?

1 KEITH WESTENGARD: To the admin -- admin office.  
2 COMMISSIONER CLARK: Admin.  
3 DISTRICT ATTORNEY HERRERA: Admin.  
4 COMMISSIONER CLARK: Right.  
5 KEITH WESTENGARD: Yes.  
6 COMMISSIONER CLARK: Right. Right. Yeah, I rem- -- I  
7 vaguely remembered that. Thank you.  
8 KEITH WESTENGARD: That's correct. Yeah.  
9 COMMISSIONER ALLAN: Okay. Well, then I apologize for that  
10 because, like I said, I was confused. I thought that -- I know  
11 how it had originally been. And I thought that we were changing  
12 it and the -- the payments were going to the rec center --  
13 DISTRICT ATTORNEY HERRERA: Oh, okay.  
14 COMMISSIONER ALLAN: -- for the golf course. So that was  
15 my misunderstanding.  
16 DISTRICT ATTORNEY HERRERA: No, that's --  
17 COMMISSIONER ALLAN: And that was only what -- that's what  
18 my question was.  
19 DISTRICT ATTORNEY HERRERA: That's -- that's  
20 understandable, Commissioner.  
21 COMMISSIONER WAITS: I'll make a motion that we approve the  
22 modified contract between Lander Enterprises, LLC, and Lander  
23 County for the Mountain View Golf Course Clubhouse lease.  
24 COMMISSIONER CLARK: I'll second that.  
25 COMMISSIONER WAITS: And authorize the chair to sign.  
26 COMMISSIONER CLARK: I'll second that.  
27 CHAIRMAN MILLS: Okay. Patsy made a motion. Art seconded.  
28 Do we I have any public comment?  
29 (No comment.)  
30 CHAIRMAN MILLS: All in favor?  
31 Aye.  
32 COMMISSIONER ALLAN: Aye.  
33 COMMISSIONER WAITS: Aye.  
34 COMMISSIONER CLARK: Aye.  
35 COMMISSIONER BAKKER: I abstain because it's my father.  
36 Thank you, --  
37 CHAIRMAN MILLS: Okay.  
38 COMMISSIONER BAKKER: -- Judie.  
39 CHAIRMAN MILLS: Thank you.  
40 GERRIT BAKKER: Thanks.

1 COMMISSIONER BAKKER: Okay.  
2 See you guys.  
3 I guess Bert's still on here.  
4

5 **8) Discussion for possible action regarding moving forward with**  
6 **Ormat to assist Lander County for the repair and maintenance**  
7 **of Grass Valley Road in Austin, Nevada, and all other matters**  
8 **properly related thereto.**  
9

10 CHAIRMAN MILLS: Item 8. Discussion for possible action  
11 regarding moving forward with Ormat to assist Lander County for  
12 the repair and maintenance of Grass Valley Road in Austin,  
13 Nevada, and all other matters properly related thereto.

14 BERT RAMOS: I haven't heard back from Ormat. So...

15 COMMISSIONER WAITS: Oh, you haven't?

16 BERT RAMOS: No.

17 COMMISSIONER WAITS: Oops. So I guess we better defer  
18 this.

19 BERT RAMOS: If we could.

20 CHAIRMAN MILLS: Okay.

21 COMMISSIONER BAKKER: Now real quick, though. In here,  
22 Ormat, we give them an easement.

23 BERT RAMOS: Correct.

24 COMMISSIONER BAKKER: But they still need to get the  
25 permitting to move the road; right?

26 BERT RAMOS: The encroachment permit to be in it. Yeah.

27 COMMISSIONER BAKKER: So they still have to come back for  
28 that.

29 BERT RAMOS: Well, they do. Yes. But they'll probably  
30 start -- I mean, they're under the impression that they can  
31 start construction. So they aren't going to hold up  
32 construction.

33 COMMISSIONER BAKKER: Right. Okay.

34 BERT RAMOS: It's a \$40 permit that they're --

35 COMMISSIONER WAITS: Yeah.

36 BERT RAMOS: So...

37 COMMISSIONER WAITS: No, we're not going to stop them. No.

38 BERT RAMOS: Yeah. No. So...

39 COMMISSIONER WAITS: Did -- did -- how did you contact  
40 them?

1 BERT RAMOS: Through --  
2 COMMISSIONER WAITS: Did you --  
3 BERT RAMOS: -- email.  
4 COMMISSIONER WAITS: -- send a letter?  
5 BERT RAMOS: Through email. So...  
6 COMMISSIONER ALLAN: How about a certified letter?  
7 COMMISSIONER WAITS: Yeah. Why --  
8 BERT RAMOS: We could do that.  
9 COMMISSIONER WAITS: -- why don't you try --  
10 BERT RAMOS: A certified letter?  
11 COMMISSIONER WAITS: -- through other mail.  
12 BERT RAMOS: We could do that. No problem.  
13 COMMISSIONER BAKKER: Okay. Thank you, Bert.  
14 BERT RAMOS: Yeah.  
15 CHAIRMAN MILLS: Thank you.  
16

17 **9) Discussion for possible action to approve/disapprove the**  
18 **contract between the Bureau of Land Management and Austin**  
19 **Airport for firefighting aircraft and authorization for chair**  
20 **to sign, and all other matters properly related thereto.**  
21

22 CHAIRMAN MILLS: Move to Item Number 9. Discussion for  
23 possible action to approve/disapprove the contract between the  
24 Bureau of Land Management and Austin Airport for firefighting  
25 aircraft and authorization for chair to sign, and all other  
26 matters properly related thereto.

27 KEITH WESTENGARD: This contract has not -- it's won't --  
28 it's not changed from the current contract.

29 Just a date change is all it is.

30 CHAIRMAN MILLS: Okay.

31 COMMISSIONER CLARK: That's what I thought.

32 MARY LOAN: I am Mary Loan. I'm the aviation manager for  
33 BLM for the Battle Mountain District.

34 And just to -- kind of what Keith said, this is just a  
35 continuation of the land use agreement, our term, that we  
36 already have with you for the use of Austin Airport for  
37 firefighting.

38 We just want to extend it to create a new term for probably  
39 five years.

40 COMMISSIONER BAKKER: Okay.

1 MARY LOAN: And us -- I don't believe we -- and I think  
2 Keith agrees that we don't see any changes in it, just the --  
3 KEITH WESTENGARD: Right.  
4 MARY LOAN: -- the term.  
5 KEITH WESTENGARD: Right.  
6 CHAIRMAN MILLS: Okay.  
7 COMMISSIONER BAKKER: Okay.  
8 COMMISSIONER WAITS: Well, we're the ones that keep making  
9 the changes. We try and keep making it nicer for you. You know  
10 we have showers --  
11 MARY LOAN: Yes.  
12 COMMISSIONER WAITS: -- now.  
13 MARY LOAN: Oh.  
14 COMMISSIONER WAITS: We have --  
15 MARY LOAN: Nice.  
16 COMMISSIONER WAITS: -- a shower. We have a shower.  
17 MARY LOAN: We certainly appreciate that.  
18 COMMISSIONER WAITS: Yeah.  
19 MARY LOAN: Yes. Yes, --  
20 COMMISSIONER WAITS: We're --  
21 MARY LOAN: -- you have been very -- very easy to work  
22 with.  
23 COMMISSIONER WAITS: We're --  
24 MARY LOAN: We -- we do --  
25 COMMISSIONER WAITS: -- we're glad to --  
26 MARY LOAN: -- appreciate --  
27 COMMISSIONER WAITS: -- have you --  
28 MARY LOAN: -- that.  
29 COMMISSIONER WAITS: -- there. And we're -- we're so  
30 excited about our new pilot lounge and now the new -- the new  
31 advantages to it too. So thank you.  
32 I'll make a motion that we approve the contract with the  
33 Bureau of Land Management and Austin Airport for firefighting  
34 aircraft and authorization for the chair to sign.  
35 COMMISSIONER ALLAN: Second.  
36 CHAIRMAN MILLS: Okay. Patsy made a motion. Judie  
37 seconded.  
38 Do we have any public comment?  
39 (No comment.)  
40 CHAIRMAN MILLS: All in favor?

1 COMMISSIONER BAKKER: Aye.  
2 COMMISSIONER WAITS: Aye.  
3 CHAIRMAN MILLS: Aye.  
4 COMMISSIONER ALLAN: Aye.  
5 COMMISSIONER CLARK: Aye.  
6 COMMISSIONER WAITS: And thank you for coming --  
7 CHAIRMAN MILLS: Thank --  
8 COMMISSIONER WAITS: -- today.  
9 CHAIRMAN MILLS: -- you.  
10 COMMISSIONER BAKKER: Thank you.

11

12 10) Discussion for possible action to approve/disapprove the  
13 grant program agreement between Lander County and Research  
14 and Consulting Services, Inc., (Rex Massey), and authorizing  
15 the chair to sign, and all other matters properly related  
16 thereto.

17

18 CHAIRMAN MILLS: Item 10. Discussion for possible action  
19 to approve/disapprove the grant program agreement between Lander  
20 County and Research and Consulting Services, Incorporated, Rex  
21 Massey, and authorize the chair to sign, and all other matters  
22 properly related thereto.

23 KEITH WESTENGARD: Once again, this contract there are no  
24 changes other than the term, the dates.

25 So...

26 COMMISSIONER WAITS: One year; right?

27 KEITH WESTENGARD: I believe that's given in that -- given  
28 in that -- yes.

29 COMMISSIONER WAITS: It says April 18. Yeah.

30 KEITH WESTENGARD: Yes. Yeah.

31 COMMISSIONER WAITS: Uh-huh.

32 KEITH WESTENGARD: So, as you guys all know, Rex is pretty  
33 valuable to the county. So he had no increases, just dates to  
34 change.

35 COMMISSIONER WAITS: In a lot of ways. Especially active  
36 now with the -- the different master plans and such.

37 KEITH WESTENGARD: Yep.

38 COMMISSIONER WAITS: So I'll make a motion that we approve  
39 the grant program agreement between Lander County and the  
40 Research and Consulting Services, Incorporated, which is Rex

1 Massey, and authorize the chair to sign.  
2 COMMISSIONER BAKKER: Second.  
3 COMMISSIONER CLARK: Second.  
4 COMMISSIONER BAKKER: Oh.  
5 COMMISSIONER CLARK: Go ahead. Go ahead, Sean.  
6 COMMISSIONER BAKKER: Whatever.  
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 ALLAN: Aye.  
14 CHAIRMAN MILLS: Aye.  
15 COMMISSIONER CLARK: Aye.  
16 COMMISSIONER WAITS: Aye.

17  
18  
19 **FINANCE**  
20

21 **11) Discussion for possible action to designate HintonBurdick**  
22 **CPAs & Advisors as the auditors for Lander County for fiscal**  
23 **year 2017-2018, per Nevada Revised Statutes, NRS 354.624(3),**  
24 **and all other matters properly related thereto.**  
25

26 CHAIRMAN MILLS: Item 11. Discussion for possible action  
27 to designate HintonBurdick CPA & Advisors as the auditors for  
28 Lander County for the fiscal year 2017-2018 per Nevada Revised  
29 Statute, NRS 354.624(3), and all other matters properly related  
30 thereto.

31 KEITH WESTENGARD: This is a -- the letter that would --  
32 that would make HintonBurdick our auditors again for the year.  
33 This is for our records as well as the Department of Taxation,  
34 as it states there, it's an NRS requirement.

35 Unless you would guys don't want to change, we'd ask that you  
36 approve it.

37 COMMISSIONER BAKKER: Cindy?

38 CINDY BENSON: We have a contract. It's a one more year.

39 COMMISSIONER ALLAN: I'll make a motion that we designate  
40 HintonBurdick CPA & Advisors as the auditors for Lander County



1 for fiscal year 2017-18 per Nevada Revised Statute, NRS 354.624  
2 Subsection 3, authorize the chair to sign.

3 COMMISSIONER BAKKER: Second.

4 CINDY BENSON: I'm good.

5 Oh, Cindy Benson, for the record.

6 We -- we are currently in a contract. We do have one more  
7 year. This was just for going on record that we're designating  
8 them.

9 COMMISSIONER BAKKER: Okay.

10 COMMISSIONER WAITS: So since we -- it's a two-year  
11 contract that -- that we're doing, but we've already contracted  
12 with them for the 2017; right?

13 CINDY BENSON: Their contract was for the ending year of --  
14 of 2017 and 2018.

15 So this coming -- this fiscal year that we're in, they are  
16 contracted to be our auditors.

17 COMMISSIONER WAITS: Okay.

18 CINDY BENSON: Does that make sense?

19 COMMISSIONER WAITS: Well, we're just doubling up, it looks  
20 like.

21 COMMISSIONER ALLAN: Yeah.

22 CINDY BENSON: Well, it's --

23 CHAIRMAN MILLS: We're just --

24 CINDY BENSON: -- just --

25 COMMISSIONER WAITS: If -- if you --

26 CINDY BENSON: It is --

27 CHAIRMAN MILLS: -- making a declaration.

28 COMMISSIONER WAITS: If something works, do it twice. I  
29 don't know.

30 CHAIRMAN MILLS: Yeah.

31 COMMISSIONER WAITS: Okay.

32 CINDY BENSON: It is -- it isn't so much the contract.

33 It's just that I felt that we had to designate our auditor for  
34 this fiscal year.

35 COMMISSIONER ALLAN: So we really aren't signing any  
36 contracts.

37 CINDY BENSON: No.

38 COMMISSIONER ALLAN: We're just designating. Okay.

39 CINDY BENSON: Just designating.

40 CHAIRMAN MILLS: Yeah.

1 COMMISSIONER ALLAN: I will change that to our chair  
2 doesn't need to sign anything.  
3 COMMISSIONER BAKKER: Second.  
4 COMMISSIONER WAITS: But -- but --  
5 But but. Yeah.  
6 COMMISSIONER ALLAN: But.  
7 COMMISSIONER WAITS: They -- they were easy to work with?  
8 I know it was your first year really involvement. But -- but it  
9 was okay? You were comfortable working with them? And --  
10 CINDY BENSON: Yeah. We've had some problems. But yeah.  
11 They're comfortable to work with.  
12 COMMISSIONER WAITS: Okay. Well, we'll talk again later.  
13 COMMISSIONER BAKKER: Thanks, --  
14 KEITH WESTENGARD: Cindy --  
15 CHAIRMAN MILLS: Okay.  
16 COMMISSIONER BAKKER: -- Cindy.  
17 KEITH WESTENGARD: -- has overcome --  
18 COMMISSIONER WAITS: Thank you, Cindy.  
19 KEITH WESTENGARD: -- all the problems very well. She's  
20 doing a great job.  
21 COMMISSIONER BAKKER: Yes. Keep up --  
22 CINDY BENSON: Thank you.  
23 COMMISSIONER BAKKER: -- the good work.  
24 CINDY BENSON: Thank you.  
25 CHAIRMAN MILLS: So Judie made a motion, then Sean  
26 seconded.  
27 Do we have any 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  
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1 **CORRESPONDENCE**

2  
3 **12) Correspondence, reports, potential upcoming agenda items.**

4  
5 CHAIRMAN MILLS: Move to Item 12. Correspondence, reports,  
6 potential upcoming agenda items.

7  
8 (The following correspondence was received:

9 1. Monthly reports to Lander County Commissioners,  
10 February 2018.

11 2. United States Department of the Interior, Bureau of  
12 Land Management, Mount Lewis Field Office, letter dated March 1,  
13 2018, regarding review of Argenta, Copper Canyon, and North  
14 Buffalo Preliminary Rangeland Health Assessment and Evaluation  
15 Report.

16 3. United States Department of the Interior, Bureau of  
17 Land Management, Tonopah Field Office, regarding Environmental  
18 Assessment analyzing the Custer Amendment to the plan of  
19 operations for Mineral Ridge Mine.)  
20

21 COMMISSIONER ALLAN: So our next meeting will be the second  
22 part of our budget.

23 COMMISSIONER BAKKER: Uh-huh.

24 KEITH WESTENGARD: Yeah. We're going to set the tentative  
25 budget. We're still on track for the 10th to do the tentative?

26 CINDY BENSON: Yes.

27 KEITH WESTENGARD: Okay. So --

28 CINDY BENSON: Yes.

29 KEITH WESTENGARD: -- we are still on track. There are  
30 some things that will be coming up in that meeting.

31 COMMISSIONER ALLAN: So I guess one of the things is  
32 possibly adding something for transportation for the indigents,  
33 et cetera.

34 KEITH WESTENGARD: I -- I -- I haven't -- I hadn't any  
35 correspondence back. Sadie's not here to -- but we'll see.  
36 Hopefully, yeah. If not, we'll come up with something.

37 COMMISSIONER WAITS: I have down April 10th.

38 KEITH WESTENGARD: Yes.

39 COMMISSIONER WAITS: That's -- that's the -- the full  
40 budget day.

1 KEITH WESTENGARD: No, no. That's the tentative. What --  
2 what you'll do at -- at that meeting is you're going to approve  
3 the tentative budget. And then we'll have one more for you to  
4 do the final budget, sign it, and submit to taxation.  
5 COMMISSIONER WAITS: Right. But I'm saying as far as the  
6 days. Okay. So we still are meeting at 10:00 o'clock on the  
7 10th and then our regular commissioners' meeting on the 12th?  
8 KEITH WESTENGARD: Is that --  
9 CINDY BENSON: Yes.  
10 COMMISSIONER ALLAN: Yeah.  
11 KEITH WESTENGARD: Is that correct?  
12 COMMISSIONER WAITS: Okay. Yeah. And then the one that we  
13 actually approve it, we're doing the same day as our  
14 commissioners' meeting on May 10th. Got it. Okay.  
15 COMMISSIONER ALLAN: We're sharpening our pencils on the  
16 10th of April.  
17 KEITH WESTENGARD: Right. Yes.  
18 That is correct.  
19 DISTRICT ATTORNEY HERRERA: Or your erasers.  
20 COMMISSIONER ALLAN: Or the -- yes. And then on -- in --  
21 in May is when everything is all ready to be signed by the chair  
22 to go to tax --  
23 CHAIRMAN MILLS: The --  
24 COMMISSIONER ALLAN: -- department.  
25 COMMISSIONER WAITS: For all of us --  
26 CHAIRMAN MILLS: I think --  
27 COMMISSIONER WAITS: -- on --  
28 CHAIRMAN MILLS: -- nothing --  
29 COMMISSIONER WAITS: -- that --  
30 CHAIRMAN MILLS: -- like a --  
31 COMMISSIONER WAITS: -- one, --  
32 CHAIRMAN MILLS: -- sharp --  
33 COMMISSIONER WAITS: -- I think.  
34 CHAIRMAN MILLS: -- eraser.  
35 COMMISSIONER ALLAN: Yeah.  
36 DISTRICT ATTORNEY HERRERA: Yeah.  
37 COMMISSIONER ALLAN: Yeah.  
38 DISTRICT ATTORNEY HERRERA: It means it's used.  
39 COMMISSIONER WAITS: Okay.  
40 CHAIRMAN MILLS: Okay.

1 COMMISSIONER WAITS: I know we have the one with the Austin  
2 Cemetery coming up because we'd like a letter from the  
3 commissioners. So we're drafting that for the next agenda.

4 KEITH WESTENGARD: Okay. And you'll get that to me?

5 COMMISSIONER WAITS: Yes.

6 KEITH WESTENGARD: Okay. What -- what's it regarding? Or  
7 --

8 COMMISSIONER WAITS: It's regarding our -- we need the  
9 commissioners' support to put the application in for the grants  
10 for the trees for the Austin Cemetery.

11 KEITH WESTENGARD: Oh. This -- yeah. I'm meeting with  
12 Lisa this afternoon to discuss it. We'll have her whole agenda  
13 request on --

14 COMMISSIONER WAITS: Good.

15 KEITH WESTENGARD: -- the 12th.

16 COMMISSIONER WAITS: Okay.

17 KEITH WESTENGARD: Yes.

18 COMMISSIONER WAITS: So we -- we actually wrote a letter  
19 that needs to go in and that will part of it that the  
20 commissioners can approve.

21 KEITH WESTENGARD: Okay.

22 COMMISSIONER WAITS: Okay.

23 CHAIRMAN MILLS: Any other items?

24 Okay.  
25  
26

27 **PUBLIC COMMENT**  
28

29 CHAIRMAN MILLS: Moving to public comment for nonagendized  
30 items only.

31 Persons are invited to submit comment in writing and/or  
32 attend and make comment on any nonagenda item at the board  
33 meeting, if any, and discussion of those comments at the  
34 discretion of the board. All public comment may be limited to  
35 three minutes per person, again at the discretion of the board.  
36 Reasonable restrictions may be placed on public comment based  
37 upon time, place, and manner, but public comment based upon  
38 viewpoint may not be restricted.

39 Do we have any public comment?

40 COMMISSIONER CLARK: Yeah. I've got one. Tip-off at 4:07.

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DISTRICT ATTORNEY HERRERA: That's right.

**ADJOURNMENT**

COMMISSIONER BAKKER: I'll make a motion --  
COMMISSIONER ALLAN: So --  
COMMISSIONER BAKKER: -- to adjourn.  
COMMISSIONER CLARK: Second.  
CHAIRMAN MILLS: All in favor?  
COMMISSIONER BAKKER: Aye.  
COMMISSIONER ALLAN: Aye.  
COMMISSIONER WAITS: Aye.  
CHAIRMAN MILLS: Thank you.  
COMMISSIONER ALLAN: Miteshell, --  
COMMISSIONER CLARK: Are you going to watch --  
COMMISSIONER BAKKER: -- thank you.  
COMMISSIONER CLARK: -- it?

(Meeting ended at 10:54 a.m.)

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

**ATTEST:**  
**LANDER COUNTY CLERK**

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

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

7 I, TIFFANY ELKINGTON, A CERTIFIED COURT REPORTER, DO HEREBY  
8  
9 CERTIFY I TRANSCRIBED THE FOREGOING PROCEEDINGS FROM A "JAVS"  
10  
11 DIGITAL AUDIO/VIDEO RECORDING OF A MEETING WHICH TOOK PLACE  
12  
13 THE 22ND DAY OF MARCH, 2018, AND SAID RECORDING AND INFORMATION  
14  
15 PERTAINING TO PARTICIPANT NAMES WAS PROVIDED TO ME BY THE LANDER  
16  
17 COUNTY CLERK SULLIVAN; THAT THE SAME IS FULL, TRUE, AND AS CORRECT AS  
18  
19 THE AUDIO/VIDEO RECORDING ALLOWED.  
20

21  
22 DATED AT \_\_\_\_\_  
23 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
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26 \_\_\_\_\_  
27 TIFFANY ELKINGTON, CCR #930  
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BERT RAMOS: [22] 65/29 65/36 65/38 65/40 66/4 66/6 68/13 68/15 68/18 68/22 68/25 68/28 68/33 68/35 68/37 68/40 69/2 69/4 69/7 69/9 69/11 69/13 BILLY GANDOLFO: [28] 28/5 29/15 29/18 29/20 29/22 29/31 30/3 37/29 38/2 38/4 38/6 38/8 38/16 38/18 38/20 38/24 38/26 38/28 38/31 38/33 39/2 39/4 39/6 39/8 39/10 39/18 39/29 39/33 CHAIRMAN MILLS AND COMMISSIONER BAKKER: [1] 11/33 CHAIRMAN MILLS: [185] CINDY BENSON: [26] 31/14 31/20 31/25 31/34 31/36 31/38 32/2 32/4 60/4 61/28 72/37 73/3 73/12 73/17 73/21 73/23 73/25 73/31 73/36 73/38 74/9 74/21 74/23 75/25 75/27 76/8 COMMISSIONER ALLAN: [125] COMMISSIONER BAKKER: [142] COMMISSIONER CLARK: [195] COMMISSIONER WAITS: [285] COUNTY CLERK SULLIVAN: [21] 8/31 11/36 13/31 14/25 14/34 14/38 14/40 37/14 43/5 43/7 43/14 43/16 43/18 43/20 60/13 60/19 60/21 60/25 60/27 60/30 60/33 DISTRICT ATTORNEY HERRERA: [202] DONNA JOHNSON: [1] 8/38 FRANK WHITMAN: [5] 30/22 30/33 31/1 32/10 32/14 GERRIT BAKKER: [9] 63/11 63/19 63/24 63/26 63/29 63/32 63/35 63/38 67/39 JUDGE JIM SHIRLEY: [2] 41/40 42/27 JUDGE MAX BUNCH: [11] 21/33 25/25 26/20 26/35 26/38 41/23 41/30 41/36 41/38 42/23 42/31 KEITH WESTENGARD: [87] LOUIS LANI: [8] 48/1 48/4 48/23 48/26 48/29 56/8 56/10 56/12 MARY LOAN: [12] 69/31 69/40 70/3 70/10 70/12 70/14 70/16 70/18 70/20 70/23 70/25 70/27 MITESHELL LANHAM: [4] 30/18 30/21 30/23 43/39 SHANNON BERUMEN: [6] 8/32 8/37 8/39 9/16 9/18 11/35 SHERIFF RON UNGER: [18] 13/35 15/9 58/32 58/35 58/40 59/2 59/9 59/12 59/16 59/19 59/28 59/30 59/36 59/39 60/2 60/5 60/9 60/11 TOM GALLAGHER: [83] UNIDENTIFIED PARTICIPANT: [1] 66/3	13 [1] 46/25 14 [1] 12/7 15th [3] 3/28 15/27 15/34 16th [1] 13/11 18 [2] 71/29 73/1 19 [1] 15/29 1:00 p.m [1] 1/36 1:15 p.m [1] 1/36
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