

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 July 26, 2018, at 8:58 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: Call to order this Lander County
22 Commission meeting, Town Board of Battle Mountain and Austin,
23 Board of County Highway Commissioners, July 26, 2018.

24 Would you please join us for the Pledge of Allegiance.
25 Sean, will you 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: Thank you.

35 Lander County Commissioners may break from lunch from 12:00
36 p.m. to 1:15 p.m. Any agenda item may be taken out of order,
37 may be combined -- combined for consideration by the public
38 body, and items may be pulled or removed from the agenda at any
39 time.
40

1 **COMMISSIONER REPORTS**

2
3 CHAIRMAN MILLS: Commissioners' reports on meetings,
4 conferences, and seminars attended.

5 Judie?

6 COMMISSIONER ALLAN: I have not attended any lately.

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

8 We did a -- did a hospital board meeting last night. It
9 was really good.

10 Couple updates on things that are going on on the
11 construction project at the hospital. That has been awarded to
12 Michael Clay.

13 There has been a preconstruction walk-through on the building
14 to -- to look for asbestos and lead. And so far the results have
15 come back pretty well, especially on the asbestos. They didn't
16 find any. But they are saying that it's -- it -- it wasn't a
17 total in-depth look for the asbestos. So as they go into
18 construction, it's possible they still might find some. But so
19 far the results came back very good.

20 They're -- they did find that there's some lead in the tile
21 in the old kitchen. But removal of that should not delay
22 construction. And it's not that big of a problem.

23 So they're going to -- and it shouldn't cause any delays or
24 any problems.

25 And they're going to mobilize for the construction the end
26 of this month. So that'll begin -- I think it's a six-month
27 construction project.

28 On electronic health record, which is really vital to keep
29 the hospital in compliance with everything they need to be in
30 compliance with for state and federal stuff, they have made a
31 decision on the company to go with. And they -- they've gone with
32 Athena to help them with that electronic health record. And
33 they're going to begin installing that and implementing that
34 pretty soon.

35 Oh. The hospital is doing a surplus sale. And they're going
36 to advertise that and let people know.

37 The -- the sale is actually going to -- on -- on August 8th.
38 And they're going to do a silent bid process. They should have
39 some -- they should have some pretty good stuff available if -- I
40 mean, stainless steel tables are always really good to have for a

1 lot of different purposes, different things like that.

2 So if you -- if you do want to get any surplus material
3 from the hospital, it's -- that's going to happen on August 8th.

4 And --

5 Oh. Nancy Lockridge, one of the hospital board members,
6 has been nominated for a rural trustee excellence award. And
7 there's going to be a -- a meeting up at Incline Village to give
8 that award. We're -- we haven't found out yet if she's been
9 awarded that or not, but she's been nominated for that. And
10 pretty -- pretty neat to hear that.

11 And that's it.

12 Sean?

13 COMMISSIONER BAKKER: I don't have anything to report on
14 that's not on the agenda.

15 CHAIRMAN MILLS: Patsy?

16 COMMISSIONER BAKKER: Patsy?

17 COMMISSIONER WAITS: Thank you.

18 Well, there are a cou- -- a few things I wanted to share
19 with you from our national conference, NACO in Nashville. And
20 that was from the 13th to the 16th of this month.

21 And, as you know, NACO works on a lot of resolutions all
22 year long and at the annual meeting is the ones where it
23 actually passed.

24 You can access that on our website. But there's a couple
25 things that I wanted to share with you that were -- got a little
26 bit different, I thought.

27 One is a resolution urging Congress to amend and update the
28 Endangered Species Act of 1974. So actually over the last 40
29 years, interestingly enough, it's never been significantly
30 modified in any way.

31 And the whole reason, the whole intended purpose is to
32 protect -- I quote -- to protect endangered species and the
33 ecosystem which they depend and to ensure that the rights of
34 people are also protected, unquote. Interesting.

35 So that -- that was one that certainly will be affecting us.

36 The other one is one we've been working on for some time on
37 my committee that I sit on nationally, which is the Justice and
38 Public Safety. And that's the one under the firefighting gear.

39 And, again, the manufacturers put termination dates just like
40 you have on -- on your food, that this -- this gear will expire on

1 such and such a date. And, of course, we're talking practically
2 everything that applies from boots to coats to helmets and what
3 they call their -- their bunker gear, their protective clothing.
4 And in many cases, especially in the rural areas where we've got
5 gear and -- and maybe nobody's ever used it, it doesn't have
6 anything to do with any kind of common sense about, this is a
7 wonderful protective clothing that's still good to go.

8 So we've been after that for some time and urging Congress
9 to direct the National Institute for Occupational Safety and
10 Health to expedite research assessing the performance
11 requirements and the retirement criteria. So they want to
12 determine the life cycle. But they want this done away with.
13 So that all passed. And -- and those were all cool things.

14 We got to do a little bit of fun, of course. And the first
15 time we went to Opryland. And -- and there we are sitting in
16 our seats, and -- and they open up the curtain and we have a
17 drummer and six guitar players, and I knew I was in Nashville.

18 But the rest was excellent. The workshops were excellent.
19 There's some -- a lot of things that I'll be sharing as we go on
20 through the years on what we're doing.

21 On July 17th I had a Convention & Tourism Authority
22 meeting. Everything's the same on that. We're getting ready
23 for all of the human-powered events that are coming up and
24 chukar tournament and such.

25 On July 19th there was a Kingston Town Board meeting. And
26 I always attend that when I can.

27 And the picnic, of course. The big fundraiser for our --
28 the firefighters for the Kingston Fire Company is August 4th.
29 We do have a flyer out- -- outside. And I hope a lot of you can
30 attend that. It's always a wonderful event.

31 But one of the concerns that came up that they weren't real
32 sure how -- how to really tackle, and that's the ATV and
33 motorcycle. And the people are just tearing through town on
34 those weekends that they came up -- not local people. Well,
35 there might be some local people. I wouldn't say not, never.
36 But, I mean, it's just -- it's unbelievable what's going on.
37 And -- and they're risking limb and life of not just themselves
38 but everybody else around them.

39 So they weren't sure how they can really tackle that.
40 Maybe they were going to try and contact, of course, our

1 sheriff's department and see if maybe we can even do some extra
2 patrols right around -- it seems to be just the big weekends:
3 Memorial Day and July Fourth and -- and Labor Day. But that --
4 for a lot of out-of-towners. But -- but they were very
5 concerned.

6 And last year, actually -- and they had some -- some
7 personal con- -- confrontation with many of them. And -- and
8 they were thinking about private security. And I said, I -- I'm
9 not sure how private security will help when, you know, they're
10 our county roads. So I don't know. There's things you have to
11 look into.

12 On July 20th I did have a meeting with the Forest Service.
13 It was a video conference on Humboldt-Toiyabe National Forest
14 greater sage grouse planning. And the video was with Elko and
15 Tonopah and -- and, of course, the proposed changes of the 2015
16 plan that they had, they want to bring in alignment with the BLM
17 and with the state. And they were out of -- I thought
18 "alignment" was a good word.

19 But -- but -- but they're -- they're trying to do that.
20 And there's some good things about it where they actually will
21 let the ranchers go in and -- and put in the water for the
22 animals and such.

23 So it was a -- a little bit lesson on -- on some of the
24 things. So I thought it was excellent. We're into a 30-day
25 comment period. And it'll go from there, of course, in -- into
26 more comment periods as it goes on before we complete
27 everything. It's always ongoing for all of us.

28 And the only other thing I wanted to share with NACO that
29 is real exciting, and I'm sure you heard about it, but we
30 actually hired our new natural resource manager. And it's
31 Sandra Hoover. She's from Indiana originally. She will begin
32 on the end of this month, July 30th. She has an excellent
33 background at NEPA, works on a number of natural resources
34 projects and such, and a lot of those issues. So we're real
35 excited about that. That replaces Tori.

36 Thank you.

37 CHAIRMAN MILLS: Art?

38 COMMISSIONER CLARK: No. I had no meetings.
39
40

1 **STAFF REPORTS**

2
3 CHAIRMAN MILLS: Okay. Staff reports on meetings,
4 conferences, and seminars attended.

5 KEITH WESTENGARD: Earlier this week we had our
6 preconstruction meeting on our hangar project at the airport.
7 It is underway now. They're -- they're doing some grading. The
8 material is there. So they'll start on that.

9 They have a projected end date or completion date sometime
10 end of September, maybe early October.

11 As well as our -- they -- we did a precon meeting for our Jet
12 A project in Austin and the low lead fueling in Battle Mountain.
13 Those two projects have also started with similar completion
14 dates, end of August -- or I'm sorry -- end of September into
15 early October.

16 I met with -- had a meeting -- I had a short meeting with
17 BLM yesterday relating to our fires in the -- in the north --
18 northern Nevada. As of yesterday there were about 40 new fires
19 due to the lightning the night before.

20 We, of course, had the -- the Crum Fire here outside of
21 Battle Mountain. That's going to be a cost share to us. We'll be
22 getting the paperwork on that.

23 And then there's another fire outside of Cortez on the
24 Crescent Valley side. And we'll -- we'll be looking at possibly
25 some cost share there.

26 That's it.

27 CHAIRMAN MILLS: Keith -- Keith, on those fires and all
28 that that's going on, we don't have the hundred low lead fuel
29 tank in yet.

30 KEITH WESTENGARD: No.

31 CHAIRMAN MILLS: Which we're trying to do give them more
32 storage space for the Jet A.

33 KEITH WESTENGARD: Right.

34 CHAIRMAN MILLS: Is -- is the airport keeping up with their
35 fuel flow and -- and keeping the air tankers supplied with fuel?
36 Do -- have you -- have you been --

37 KEITH WESTENGARD: They're -- I haven't heard any issues
38 with it.

39 CHAIRMAN MILLS: Okay.

40 KEITH WESTENGARD: Last year I know there was -- there

1 was -- it got close. We never actually --

2 CHAIRMAN MILLS: Right.

3 KEITH WESTENGARD: -- ran out. The FBO --

4 CHAIRMAN MILLS: Which is why we're doing this project is
5 so they don't have to be --

6 KEITH WESTENGARD: Right.

7 CHAIRMAN MILLS: -- close all the time.

8 KEITH WESTENGARD: Yep. The FBO's put another fuel truck
9 in place at Battle Mountain. So hopefully that's going to --
10 not -- so there won't be any problems, this year, we hope.

11 CHAIRMAN MILLS: Okay.

12 KEITH WESTENGARD: Nothing so far.

13 COMMISSIONER ALLAN: So I -- I would like to comment on
14 that Jet A fuel in Austin.

15 I was actually talking with the smoke jumpers out of
16 Winnemucca. And one of the comments that their leader, for the
17 lack of knowing what exactly his position is, is he did comment
18 that they wished that they had the Jet A in Austin. And I said,
19 well, it's coming. So I think they're going to be excited about
20 that.

21 CHAIRMAN MILLS: Good deal.

22 KEITH WESTENGARD: We've -- we've paid for the tanks
23 already. The tanks for the two airports were about \$72,000. So
24 they have been paid for. It means they're ordered. And they're
25 working on the -- the ground work.

26 CHAIRMAN MILLS: Okay.

27
28
29 **PUBLIC COMMENT**

30
31 CHAIRMAN MILLS: We'll move on to public comment for
32 nonagendized items only.

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

1 Do we have any public comment?
2 (No comment.)
3
4

5 **CONSENT AGENDA**
6

7 CHAIRMAN MILLS: Okay.

8 The consent agenda. All matters listed under the consent
9 agenda are considered routine and may be acted upon by the Board
10 of County Commissioners with one action, without extensive
11 discussion. Any member of the board or any citizen may request an
12 item be taken from the consent agenda, discussed, and acted upon
13 separately during the meeting. Consent agenda materials are
14 available at the Lander -- Lander County Clerk's Office for
15 viewing, and copies are available for a nominal charge.

16 One, approval of July 26, 2018, agenda notice; two,
17 approval of Ju- -- June 14, 2018, meetings minutes; three,
18 approval of June 28th, 2018, meeting minutes; four, approval of
19 July 12, 2018, meeting minutes; five, approval of the payment of
20 bills; and six, approval of payroll -- payroll change requests.

21 COMMISSIONER BAKKER: We don't have our meeting minutes.

22 COMMISSIONER WAITS: No minutes.

23 COMMISSIONER BAKKER: No.

24 CHAIRMAN MILLS: I don't think we got any.

25 COMMISSIONER BAKKER: Okay. I'll make a motion to approve
26 July 26th, 2018, agenda notice, the approval of the payment of
27 the bills, and approval of payroll change requests.

28 COMMISSIONER WAITS: I'll second the motion.

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

31 Do we have any public comment?

32 (No comment.)

33 CHAIRMAN MILLS: All in favor?

34 COMMISSIONER BAKKER: Aye.

35 CHAIRMAN MILLS: Aye.

36 COMMISSIONER ALLAN: Aye.

37 COMMISSIONER WAITS: Aye.

38 COMMISSIONER CLARK: Aye.
39
40

1 COMMISSIONERS

- 2
3 1) Discussion and possible action on whether to accept the
4 Nevada Department of Transportation's (NDOT) upcoming fiscal
5 year work program, and all other matters properly related
6 thereto.
7

8 CHAIRMAN MILLS: Okay. Item Number 1. Discussion and
9 possible action on whether to accept the Nevada Department of
10 Transportation, NDOT, upcoming fiscal year work program, and all
11 other matters properly related thereto.

12 COMMISSIONER WAITS: Gentlemen, good morning.

13 CHAIRMAN MILLS: Good morning.

14 DAVID GASKIN: Good morning.

15 LEE BONNER: Good morning.

16 DAVID MEYER: Mr. Chair, members of the commission. My
17 name is Dave Gaskin, G-A-S-, as in Sam, -K-I-N. I'm deputy
18 director of NDOT. With me, Lee Bonner in our planning division.
19 Also quite a few members of NDOT in the audience.

20 (Indiscernible) at left, our district engineer. Did you
21 want to introduce anybody, Boyd?

22 BOYD RATLIFF: Sure. We have a couple of district -- Boyd
23 Ratliff, district engineer, for the record.

24 New to these meetings and will be attending in the future
25 is Dave Schwartz. He is the replacement for Dave Lindeman in
26 the Winnemucca subdistrict, a longtime Winnemucca resident, grew
27 up there. Really excited to have him as part our leadership
28 team. And so his first meeting here with you guys in that role.

29 He's been the RE in this area for a while. You probably
30 remember him on the I-80 project. He was here to answer a few
31 questions about that.

32 Karim Yousuf is our traffic engineer for the district.

33 And we have Murray and John Wilcox. They are the
34 maintenance manager and the supervisor for the Battle Mountain
35 maintenance crew, here with us.

36 And then, of course, we have a couple of interns here with
37 us today too. They're learning the ropes, trying to figure out
38 how all this stuff works. They're in college at UNR. Two of
39 them from Spring Creek and Oscar Chavira, Jr.; correct?

40 OSCAR CHAVIRA: Yeah. You got --

1 BOYD RATLIFF: Yeah?
2 OSCAR CHAVIRA: -- it.
3 BOYD RATLIFF: You probably all know Oscar's dad. Oscar.
4 He -- he's working for us and doing a great job for us.
5 LEE BONNER: And Steve behind you.
6 BOYD RATLIFF: Oh. And -- I'm sorry. Yeah. Steve Baer
7 also. He's the assi- -- assistant district engineer from Ely.
8 But he -- his area comes to us Lander -- or excuse me --
9 DAVID GASKIN: Austin.
10 BOYD RATLIFF: -- Austin, the southern Lander County.
11 CHAIRMAN MILLS: Okay.
12 COMMISSIONER BAKKER: Well, thank you, guys.
13 DAVID GASKIN: And we have a brief presentation for you
14 today.
15 Next slide, please, (indiscernible).
16 Just an overview of some of the statewide concerns. We deal
17 with wildlife collisions throughout the state, looking up data,
18 and trying to find -- find areas that -- that we can prioritize
19 for action to help make the roads safer.
20 One Nevada plans, a long-term 20-year plan that -- that we're
21 putting together at NDOT just to get a better idea of the
22 long-term goals that we have and make sure we communicate those
23 with -- with all the counties.
24 And a lot of people are interested in the new Interstate 11
25 that's coming up from the south. There are a lot of public
26 meetings going on this month and glad to have a lot of discussion.
27 It's in the very preliminary planning stages. Next slide.
28 And I'd like Lee to go over some of the specific county
29 concerns.
30 LEE BONNER: So Lee Bonner, for the record, government
31 tribal liaison.
32 And over the last three years, you know, we continue to
33 come out. We do workshops. We report back in the commission.
34 We're always listening to what you have to say and the
35 suggestions that you make. And we try to do as much of them as
36 we can.
37 If you recall, last year we came after the workshop and --
38 and said, hey, from the workshop, here was what you -- you told us
39 what your top kind of concerns. The commission verified that.
40 And so the top two concerns are shoulder widening on Bob Scott

1 Summit. And to be honest with you, that -- that is a major task
2 and undertaking. But we know that's your top concern. We're --
3 we're going look at that.

4 My goal is to try to get something that would handle that in
5 the long-range plan. But it's a -- it's a -- it's a heavy lift.

6 Secondly is pedestrian safety here near the courthouse.
7 We're taking a look at that along with Karim who is here, our
8 traffic safety engineer.

9 The other concerns that have come up are updating the
10 crosswalks around the county to the new NB city standards. And
11 Karim and I have had some conversations about that.

12 Always on our list, the pedestrian bridge connecting the
13 school to the north side of 80. We think it's a valid project.

14 And I would mention that the build grants with the current
15 administration -- federal administration have -- have come out.
16 And the TIGER grants during the previous administration were
17 funded at half a -- half a billion dollars, 500 million. The
18 current administration has funded at 1.5 billion. The one big
19 change that the administration made for build grants is that the
20 rural counties have no match.

21 There's a minimum of \$1 million for the project. It can't be
22 more than 25 million.

23 The pedestrian bridge might be a -- a good fit for that.

24 The -- the call for projects was a couple of weeks ago --
25 last week.

26 And so we -- we submitted -- statewide, I think we submitted
27 about three or four. No state can get over 150 million of the
28 1.5 billion. So they -- it -- there's a -- a good way to get some
29 money. And we -- I'd be willing to work with you guys on a build
30 grant for that for -- for next year.

31 So I would -- I would say it would come in. They want it to
32 be as shovel-ready as possible and have a good cost estimate.

33 Anyway, mov- -- moving right along, we're -- continue to talk
34 about a southern bypass around Battle Mountain that would get some
35 of the mining trucks away from coming through downtown.

36 Wildlife warning signs that we -- we have wildlife-vehicle
37 collisions all over the state. Our wildlife-vehicle collision
38 study is finalized -- should be by the end of next week. We'll
39 release that out, maybe do a presentation at the NACO meeting and
40 show the -- the top wildlife concern corridors around the state.

1 And then pavement condition on SR 376. And then I want to
2 address two concerns that we've been sent recently. One from
3 Commissioner Waits, adding an additional sign in Austin for the
4 park. And we'll work with you on exactly where we want to
5 direct them to and how to do it. We'll find a way to get it
6 done.

7 And then secondly from -- from Chairman Mills, the request
8 for some sound walls that came from a -- a citizen. I will tell
9 you this. We -- we looked yesterday at some cost estimates. It
10 looks like, from our end, one mile of sound walls on both sides of
11 the freeway -- one mile is about 2 to \$3 million.

12 So when you look at that and you look at prioritization, you
13 know, that -- that ends up being a heavy lift. It's not just a
14 simple wall.

15 So we're going to add these two to the list. We'll report
16 back to you. We'll set up a workshop. And we'll have some more
17 details where we can talk in depth about some of these issues when
18 we come back in the -- in the fall.

19 COMMISSIONER WAITS: Okay.

20 LEE BONNER: I'll turn it back over to Dave.

21 COMMISSIONER WAITS: Lee, before you leave on that, just
22 to -- to kind of zero in on the pavement condition on SR 376.
23 Because we have brought that up at the -- at the workshop, as
24 you said. Actually, it's just mile marker nine and ten. When
25 they resurfaced that, for some reason, when you're driving it,
26 your car goes like this. And -- and we have had a couple
27 accidents. The people didn't have both hands on the wheel,
28 and -- and you notice it every time.

29 So I don't know what it is.

30 LEE BONNER: Okay.

31 COMMISSIONER WAITS: And it's only on the east s- -- the
32 east lane. It's not on the west lane at all.

33 LEE BONNER: Okay.

34 COMMISSIONER WAITS: So --

35 LEE BONNER: We will add those details to the project
36 description.

37 COMMISSIONER WAITS: All --

38 LEE BONNER: And then we'll --

39 COMMISSIONER WAITS: -- they have to do is drive it and
40 they know. But they might be driving the rest, going, what is

1 the matter with this?

2 DAVID GASKIN: Right.

3 LEE BONNER: Right.

4 DAVID GASKIN: Right.

5 COMMISSIONER WAITS: So --

6 Thank you.

7 LEE BONNER: Thank you.

8 DAVID GASKIN: Okay. Dave Gaskin again.

9 I would like to just give you some infographics that just

10 show in a -- a graphical fashion some interesting things about

11 the -- the county and NDOT.

12 LEE BONNER: You should have these in front of you.

13 I'll -- I'll hold them up as we get to them.

14 DAVID GASKIN: The first one is -- is legal statistics

15 about the county so you can compare what's going on.

16 Of note, right below the -- the little green people, there

17 are a couple of blue pickups. That shows the numbers of people

18 commuting into the county from outside and out of the county from

19 inside and the number that stay in the county. Just so you can

20 get an idea of where people are coming and going. But I think the

21 rest are pretty self-explanatory. But if you have any questions

22 on maybe those, we'd be glad to --

23 COMMISSIONER WAITS: I -- I do.

24 DAVID GASKIN: -- address them. Yes, please.

25 COMMISSIONER WAITS: Thank you. Maybe self-explanatory but

26 completely confusing for me.

27 DAVID GASKIN: Uh-huh.

28 COMMISSIONER WAITS: I'm -- I'm looking at the -- the

29 number of -- of vehicles. You said we have about 9,203

30 vehicles. But yet it says, annual vehicle miles traveled, a

31 hundred and twenty-eight million eight hundred twenty -- excuse

32 me. That's over 200,000 miles a person?

33 LEE BONNER: Yes.

34 DAVID GASKIN: So the way these are --

35 COMMISSIONER WAITS: This is annually?

36 DAVID GASKIN: The way these are calculated, we look at the

37 average annual daily traffic. We multiply that out. And so

38 when you look at -- this is the registered -- the number of

39 vehicles is the registered vehicles with DMV. So it could be

40 travel trailers. It could be a lot of different vehicles.

1 When you -- you have a lot of traffic coming through I-80.
2 COMMISSIONER WAITS: You're counting all their --
3 LEE BONNER: We're counting --
4 COMMISSIONER WAITS: -- tra- --
5 LEE BONNER: -- all --
6 COMMISSIONER WAITS: Oh, good.
7 DAVID GASKIN: Right. Right.
8 COMMISSIONER WAITS: Okay. Okay.
9 LEE BONNER: This is all the --
10 COMMISSIONER WAITS: Okay.
11 LEE BONNER: -- vehicle miles traveled.
12 DAVID GASKIN: Right.
13 LEE BONNER: And the reason this is important is, when you
14 start looking at some federal grants, it's -- they -- they look
15 at the vehicle miles traveled.
16 COMMISSIONER WAITS: Okay. So --
17 LEE BONNER: Now, if --
18 COMMISSIONER WAITS: -- so --
19 LEE BONNER: -- you were to look at vehicle miles traveled
20 down in Clark County, you're in the trillions. It's -- it's an
21 enormous amount.
22 COMMISSIONER WAITS: I thought you meant our county people.
23 And I went, there --
24 LEE BONNER: No.
25 COMMISSIONER WAITS: -- isn't any --
26 DAVID GASKIN: Baseball.
27 COMMISSIONER WAITS: -- way. So you're counting all -- all
28 the --
29 LEE BONNER: E- --
30 COMMISSIONER WAITS: -- people.
31 LEE BONNER: All -- all --
32 COMMISSIONER WAITS: Okay. Got it.
33 LEE BONNER: -- vehicle traffic. Because that's wear and
34 tear on the roads.
35 COMMISSIONER WAITS: Okay. That -- that's my
36 clarification.
37 LEE BONNER: That's it.
38 COMMISSIONER WAITS: Thank you.
39 DAVID GASKIN: Okay. Next slide.
40 And this is a little hard to read on the screen, but

1 hopefully you've got it in front of you. But it just kind of
2 gives you an idea of the money coming into NDOT and where we spend
3 that money and -- and different activities and categories. Just a
4 -- sort of a -- a big picture view.

5 And the last one is just an example of some of the processes
6 we have to go through in order to do a big construction project.
7 There's a lot more to it than just going out and paving something.
8 You have a lot of the planning and environmental review and all
9 those steps that -- that are done along the way to get a project
10 ready. And -- and why we show this to you is that you may have
11 input on some of those key areas. So you can know the timing and
12 kind of where you can -- if you have a concern, you can -- can
13 make your concerns known at the appropriate time.

14 And the main meat of the -- the presentation really is -- is
15 we'd like to make sure that -- that we have concurrence with you,
16 good communication on our annual work program for the county. And
17 the items we have listed on that are to reconstruct U.S. 50 near
18 Austin, a chip seal on State Route 305, RWIS system with CCTV and
19 radar, which is out by New Pass, chip seal south of Battle
20 Mountain, and a flush seal east of Austin. Total for those
21 projects, about \$7.1 million.

22 If you have any questions on details of those, there's more
23 detail in -- in the book attached, or we have some experts here
24 that can answer questions that you might have.

25 COMMISSIONER WAITS: Act- -- actually, I do.

26 DAVID GASKIN: Okay.

27 COMMISSIONER WAITS: When I went through this and -- and
28 your breakdown, I was concerned about the right-of-way, which
29 you said takes up to a couple years. And yet, you're going to
30 be doing that -- that one area in Austin. But when I went
31 through your amount on your phase, you have an -- which is the
32 same number. The number I'm looking at is LA 20170012. It's at
33 the top of the page, U.S. 50. And down at the bottom, you've
34 got, for 2019, an additional \$15,000 for right-of-way? But I
35 thought your right-of-ways were already done. Because those are
36 done in advance.

37 So what's the new 15,000 for next year?

38 LEE BONNER: We will --

39 DAVID GASKIN: Find out.

40 LEE BONNER: You know that?

1 Yeah. That --
2 We'll -- we'll find out. And I'll --
3 BOYD RATLIFF: Got part of them.
4 LEE BONNER: We'll send that back to you. And sometimes
5 the -- the -- it's -- we either purchased a right-of-way and --
6 or it's a -- it's a firm permit or a fee.
7 And --
8 COMMISSIONER WAITS: But it should be already done.
9 LEE BONNER: The -- I believe --
10 COMMISSIONER WAITS: So I just wondered --
11 LEE BONNER: -- it's probably in place, but --
12 COMMISSIONER WAITS: -- why you --
13 LEE BONNER: -- the payment --
14 COMMISSIONER WAITS: You just have a slush fund in there?
15 I mean, it's certainly very minimal compared to what it costs
16 you to do it.
17 LEE BONNER: I'll find out the details.
18 COMMISSIONER WAITS: But I was just curious.
19 BOYD RATLIFF: The only --
20 COMMISSIONER WAITS: That's okay.
21 BOYD RATLIFF: Boyd Ratliff, for the record.
22 The -- the only reason why that's separated out -- which it
23 looks like, you know, it says right-of-way. It could be
24 something as simple as we have agreements and leases and things
25 like that that we have to go through and update. And there
26 could be costs associated with some of that stuff.
27 That's what I -- and really -- because the right-of-way is
28 what it is.
29 COMMISSIONER WAITS: Right. But --
30 BOYD RATLIFF: Right? We had it for years, but we --
31 COMMISSIONER WAITS: But -- but --
32 BOYD RATLIFF: -- have to go through and verify. And there
33 may be, especially in towns, --
34 COMMISSIONER WAITS: Okay.
35 BOYD RATLIFF: -- because that right-of-way, we have
36 buildings that are, you know -- so in some instances, you know,
37 several feet into the right-of-way. And we have to mitigate
38 that properly to satisfy --
39 COMMISSIONER WAITS: No, I --
40 BOYD RATLIFF: -- priorities.

1 COMMISSIONER WAITS: -- I understand the cost.
2 BOYD RATLIFF: Yeah.
3 COMMISSIONER WAITS: And I understand how. But what I'm
4 saying is, you said they're always done at least a couple years
5 ahead of time. And this is already, you know, projected. Here
6 we are. So why -- why hasn't it been paid? And I just
7 wondered. Just a --
8 BOYD RATLIFF: My guess is, is that this is the result of
9 doing that work early on, discovering these little gems of,
10 like, --
11 COMMISSIONER WAITS: Okay.
12 BOYD RATLIFF: -- right-of-way problems we have. And this
13 is our -- what we're doing to mitigate it.
14 LEE BONNER: And -- and one more comment. Lee Bonner, for
15 the record.
16 So when we bring this to you, this is not actually the year
17 the construction's going to happen. What we -- what we are
18 showing you here is when we're going to obligate the funds.
19 We're going to tie up federal funds and state funds so that this
20 project can be done.
21 So even though the -- we're going to obligate these funds
22 in the 2019 federal fiscal year, the project may not go until
23 '20.
24 And so that's why there's sometimes a little discrepancy.
25 And it can even push to -- sometimes it can push out two years,
26 trying to get some of the -- some of the details done.
27 So this is not construction year. This is obligating the
28 funding, which allows us to make sure that project is going to
29 get done.
30 And we tell the feds that, you know, we've -- we've
31 obligated these funds for the project.
32 COMMISSIONER WAITS: No, I understand.
33 LEE BONNER: And they've approved it.
34 COMMISSIONER WAITS: Just didn't mesh with the timeline.
35 So I just --
36 LEE BONNER: Right.
37 DAVID GASKIN: Should have.
38 COMMISSIONER WAITS: It's -- it's fine. Thank you,
39 gentlemen.
40 DAVID GASKIN: Thank you for the question.

1 COMMISSIONER CLARK: One -- one --
2 LEE BONNER: It's a great question.
3 COMMISSIONER CLARK: One comment. We don't have any -- we
4 -- we've had several concerns. We don't have any handicapped
5 parking on Broad Street in front of the Nevada or the Owl club.
6 And that's been brought to our attention. And we've been trying
7 to figure out how to do it on a side street. But, you know,
8 that's --
9 COMMISSIONER ALLAN: Actually, --
10 COMMISSIONER CLARK: -- a poor accommodation for that.
11 COMMISSIONER ALLAN: I'd like to comment on that. There is
12 a -- a small area, I think, in front of -- is it in front of
13 Reese River Outfitters? Have you noticed?
14 CHAIRMAN MILLS: Where the -- where the sidewalk dips
15 down --
16 COMMISSIONER ALLAN: Yeah.
17 CHAIRMAN MILLS: -- to the street? Yeah.
18 COMMISSIONER ALLAN: But it's really not in -- not
19 convenient for any type of handicap accessibility.
20 LEE BONNER: Okay.
21 CHAIRMAN MILLS: Actually, that -- that dip in the sidewalk
22 in front of Reese River Outfitters -- because I own Reese River
23 Outfitters. That's actually kind of a problem because the --
24 when it snows, the snow gets shoveled into the gutter. The
25 water piles up behind all that big ice dam. And then it floods
26 the sidewalk up to the building.
27 So that's kind of a problem.
28 And we actually -- we did -- we remodeled the front of our
29 building so that we could -- because our door used to be right in
30 the center of that. And it would come -- actually come in the
31 door into the building.
32 So we remodeled the front of the building and moved the
33 door over to the side so it wouldn't be there.
34 But, yeah, that -- that dip in the sidewalk's always been
35 kind of a headache.
36 LEE BONNER: Okay.
37 COMMISSIONER WAITS: I just had a -- a couple things in --
38 in closing. One was at one of our workshops. We had asked
39 about the electric highway and the vehicle charging stations and
40 such. We asked about one on -- on 80, which you responded to

1 last year and said they really didn't have any -- any more, you
2 know, plans to do that.

3 But I thought they did 50. And thought they were asking.
4 Because we have had electric vehicles in Austin that are going,
5 what? You're the middle of the state. So we wondered if your
6 powers that be that look into that were looking into Highway 50
7 at all?

8 Because you just mentioned on your -- your '17 report the
9 Highway 80.

10 And the other one was that we brought up, of course, the
11 guardrails anywhere over the Austin Summit. And Bob -- you
12 know, anywhere you can do that. We still need more guardrails.
13 And you keep saying, well, that isn't always possible. But we
14 still want to keep it on.

15 And the other thing we had brought up was Share the Road
16 signs. Because our bicyclists that take Highway 50 across all
17 the time. And, I mean, when we're talking from California to
18 New York, these bicyclists are there every single day --

19 LEE BONNER: Every day.

20 COMMISSIONER WAITS: -- in the summertime. So we asked
21 about Share the Road signs to kind of alert these out-of-towners
22 what really was ahead.

23 LEE BONNER: Our bike/ped team is -- is looking at that.
24 There's a designation for the 50 route --

25 COMMISSIONER WAITS: Thank you.

26 LEE BONNER: -- that -- on a federal level, designating
27 that --

28 COMMISSIONER WAITS: Oh, okay.

29 LEE BONNER: -- as a -- as a bike route. Because it --

30 COMMISSIONER WAITS: We haven't forgotten it. But thank
31 you.

32 LEE BONNER: Yes.

33 COMMISSIONER WAITS: I'm glad you haven't either.

34 LEE BONNER: And --

35 COMMISSIONER WAITS: Okay.

36 LEE BONNER: The -- the electric highway and looking at a
37 comprehensive solution for the entire state for electric
38 vehicles. I -- I know they're looking at the Vegas to Reno
39 route and trying to make sure that the gaps are -- are taken in.
40 But I'll --

1 COMMISSIONER WAITS: Fallon is done.
2 LEE BONNER: Department of --
3 COMMISSIONER WAITS: That -- that's --
4 LEE BONNER: -- Energy --
5 COMMISSIONER WAITS: -- that's --
6 LEE BONNER: -- is --
7 COMMISSIONER WAITS: -- completed on --
8 LEE BONNER: Department --
9 COMMISSIONER WAITS: -- 95.
10 LEE BONNER: -- of Energy is kind of handling that. We
11 work with them because we help fund some of them.
12 But I'll get some information and get that to the board as
13 well.
14 COMMISSIONER WAITS: Thank you.
15 LEE BONNER: In our -- in our follow-up.
16 COMMISSIONER WAITS: Yeah. You're our best contact. Thank
17 you.
18 LEE BONNER: It -- I -- and I don't mind doing that.
19 COMMISSIONER BAKKER: Well, I'll make a motion to accept
20 the Nevada Department of Transportation annual work program.
21 COMMISSIONER WAITS: For the fiscal year?
22 COMMISSIONER BAKKER: For the fiscal year 20- -- 2018-2019?
23 COMMISSIONER WAITS: I'll second the motion.
24 CHAIRMAN MILLS: Okay. Sean made a motion. Patsy
25 seconded.
26 Do we have any public comment?
27 (No comment.)
28 CHAIRMAN MILLS: Got zilch on public comment again.
29 All in favor?
30 COMMISSIONER BAKKER: Aye.
31 CHAIRMAN MILLS: Aye.
32 COMMISSIONER WAITS: Aye.
33 COMMISSIONER ALLAN: Aye.
34 COMMISSIONER CLARK: Aye.
35 CHAIRMAN MILLS: Okay. Thank --
36 COMMISSIONER BAKKER: Thank --
37 CHAIRMAN MILLS: -- you, --
38 COMMISSIONER BAKKER: -- you, --
39 CHAIRMAN MILLS: -- guys.
40 COMMISSIONER BAKKER: -- guys.

1 LEE BONNER: Thank you.
2 COMMISSIONER WAITS: Thank you, --
3 LEE BONNER: And thank you --
4 COMMISSIONER WAITS: -- all.
5 LEE BONNER: -- thank you for the great communication we
6 have with you guys. We appreciate it.
7 CHAIRMAN MILLS: Yeah. Appreciate you guys coming out
8 and -- and the -- the crew you bring with you, the work you do.
9 We -- we really do appreciate it. And --
10 LEE BONNER: Thank you.
11 CHAIRMAN MILLS: -- and you -- you listen to us, and that's
12 wonderful.
13 And we really do --
14 LEE BONNER: I'm glad you feel like you're listened to.
15 You know, --
16 CHAIRMAN MILLS: Yeah.
17 LEE BONNER: -- that's our goal.
18 CHAIRMAN MILLS: We -- we like -- we like having you guys
19 come talk to us.
20 COMMISSIONER BAKKER: Thank you, guys.
21
22 2) Discussion and possible action to approve/disapprove an
23 application for medical marijuana cultivation and production
24 facility licenses within Lander County and to approve the
25 number of licenses to be granted by Lander County, and all
26 other matters properly related thereto.
27
28 CHAIRMAN MILLS: Okay. We'll move to Item Number 2.
29 Discussion and possible action to approve/disapprove an
30 application for medical marijuana cultivation and production
31 facility licenses within Lander County and to approve the number
32 of licenses to be granted by Lander County, and all other
33 matters properly related thereto.
34 COMMISSIONER BAKKER: Hold on.
35 CHAIRMAN MILLS: So, Ted, I know you've been to some
36 workshops, and you've been doing a lot of work on this.
37 DISTRICT ATTORNEY HERRERA: I -- I have. And -- and I've
38 been in contact with Department of Taxation for five, six months
39 now. And -- and they're doing an excellent job. In fact, at
40 least the seminar was in -- in Las Vegas last week with the

1 business and marijuana. We had speakers talking about how
2 Nevada is -- is the best state. They've been doing the best job
3 at -- at getting their program together.

4 So --

5 But for the last six months, they didn't have the staff or
6 the resources to really do a lot. And the legislature just
7 approved that, apparently, getting more staff and resources.

8 But when -- when we first were doing our discussions about
9 -- about cultivation, production facilities in Lander County,
10 they had told us -- a county commissioner and myself on the
11 telephone -- that -- that we'd probably get two -- two sites or
12 -- or two licenses, four licenses, apparently.

13 And then they changed that. They changed their whole policy
14 a few months later. And it's now they're going to decide how many
15 certificates they give at the state level. And that's how many
16 the counties can get, the -- the amount that they give. And they
17 figure that's the best way to -- to track the supply and demand
18 and make sure there's -- there's no more supply than -- than
19 there's demand.

20 So -- so they're -- they're doing a really good growth --
21 growth dynamic on that.

22 But the consequences of that is Lander County can give as
23 many licenses as the state has approved.

24 For Lander County for medical marijuana cultivation and
25 production, they've approved three different companies,
26 corporations, LLCs, whatever they are, three different entities to
27 do business in Lander County in cultivation and production.

28 One applicant for the state. Now I'm talking about state
29 applicants, because obviously we haven't done our application
30 yet. But one applicant was granted for -- for Kingston, Austin
31 area. And then three applicants were -- were granted for a site
32 here in Battle Mountain.

33 Now, that sounds like four applicants. But one of the
34 applicants applied for both Austin and Battle Mountain.

35 So there's -- there's only three applicants, potential
36 applicants -- I'll call them -- for Lander County.

37 And so one of the questions in front of the commission today
38 is -- is: Do you want to give all the -- all the potential
39 applicants that are qualified by Lander County, do you want to
40 give them all licenses?

1 Because we don't know if all of them will succeed. They have
2 18 months from when they were given a provisional license by the
3 state to be up and running. That's a short period of time.

4 And we have to be cognizant of the fact that that time's been
5 running for a few months now. And to get these people up and
6 running, we -- we have to get on it.

7 And -- and I've been doing my best, but it -- it's just --
8 this application's not been done before by the county, so it was a
9 new experience for me.

10 COMMISSIONER WAITS: I have a question on that, Counselor.
11 The -- the time frame that they had to apply with the state
12 is -- is a done deal?

13 DISTRICT ATTORNEY HERRERA: Yeah.

14 COMMISSIONER WAITS: Does the state look at opening up
15 applications again in a couple years or anything?

16 DISTRICT ATTORNEY HERRERA: They said -- they say they
17 might not do it for another five, ten years, depending on -- on
18 how much product, how many licenses they've already given in the
19 state. This is for medical marijuana cultivation production.

20 They haven't even opened -- well, they've opened it up. They
21 haven't even granted licenses for recreational.

22 And what Lander County -- what we had discussed before and I
23 talked to you about and we'd all discussed it is -- is the fact
24 that we're looking for -- for entities that would get the medical
25 marijuana and then get the recreational license from the state too
26 so they could do both within the same site, which would allow
27 Lander County to get more tax dollars.

28 COMMISSIONER WAITS: And -- and for them to be more
29 successful, of course. Well, but I guess my concern is, if --
30 if we open it up to all three and none of them may decide to do
31 anything, then is there a chance in the future if the tax
32 department says, yep, we're going to open it again, --

33 DISTRICT ATTORNEY HERRERA: There's a -- there's a chance.

34 COMMISSIONER WAITS: -- then we've -- then we've -- we've
35 limited it to three? But we've already given the three. So do
36 we have to --

37 DISTRICT ATTORNEY HERRERA: Oh, no, no. They --

38 COMMISSIONER WAITS: -- address that --

39 DISTRICT ATTORNEY HERRERA: -- get more --

40 COMMISSIONER WAITS: -- too?

1 DISTRICT ATTORNEY HERRERA: -- licenses. That -- that
2 means we can give more. We can give as many as they give.
3 COMMISSIONER WAITS: As long as -- as long as we comply
4 with our proper ordinance.
5 DISTRICT ATTORNEY HERRERA: Yes.
6 COMMISSIONER WAITS: But I --
7 DISTRICT ATTORNEY HERRERA: Except for --
8 COMMISSIONER WAITS: -- I want --
9 DISTRICT ATTORNEY HERRERA: -- dispensaries.
10 COMMISSIONER WAITS: -- ours to cover everything, is what
11 I'm --
12 DISTRICT ATTORNEY HERRERA: Except --
13 COMMISSIONER WAITS: -- saying.
14 DISTRICT ATTORNEY HERRERA: -- for dispensaries.
15 COMMISSIONER WAITS: Yeah.
16 DISTRICT ATTORNEY HERRERA: Now, at the seminar they told
17 us that the 15 smaller counties will each get two dispensaries.
18 But the statute says one if -- if you're less than 30,000
19 people. So I don't know how that's going to end up. But we're
20 not discussing dispensaries anyway. So -- so it doesn't matter
21 for us.
22 But for cultivation, production for medical marijuana
23 establishments, they will -- they will see what the supply and
24 demand is and decide forward.
25 COMMISSIONER WAITS: So if -- if we -- if we change ours
26 from -- from what we did before to two and one was on each end
27 of the county, we change it to three so you could have two on
28 the north end and one in the south end or some- -- something
29 like that, then if -- if none of them do that, it's still locked
30 in until --
31 DISTRICT ATTORNEY HERRERA: No, no. It -- it -- because
32 it's not in the ordinance. We didn't put the amount in the
33 ordinance or the resolution because we did not know how many
34 they would -- they would give us.
35 COMMISSIONER WAITS: So what do we have to change on it?
36 DISTRICT ATTORNEY HERRERA: All we have to do is approve --
37 COMMISSIONER WAITS: The three.
38 DISTRICT ATTORNEY HERRERA: -- the three.
39 COMMISSIONER WAITS: I see.
40 DISTRICT ATTORNEY HERRERA: That --

1 COMMISSIONER WAITS: Okay.
2 DISTRICT ATTORNEY HERRERA: -- the --
3 COMMISSIONER BAKKER: And that they fill out the
4 application process.
5 DISTRICT ATTORNEY HERRERA: Yes. If they --
6 COMMISSIONER WAITS: Okay.
7 COMMISSIONER BAKKER: Yeah.
8 DISTRICT ATTORNEY HERRERA: -- pa- -- if they qualify --
9 COMMISSIONER WAITS: Okay.
10 DISTRICT ATTORNEY HERRERA: -- under our application
11 process, if you grant them all -- all the potential applicants a
12 license, we're going to hope that at least one of them --
13 COMMISSIONER WAITS: Okay.
14 DISTRICT ATTORNEY HERRERA: -- gets through the 18-month
15 period.
16 COMMISSIONER WAITS: I thought we limited to one to each
17 end. That's why.
18 DISTRICT ATTORNEY HERRERA: Well, that's --
19 COMMISSIONER BAKKER: We talked --
20 DISTRICT ATTORNEY HERRERA: -- because they --
21 COMMISSIONER BAKKER: -- we discussed --
22 DISTRICT ATTORNEY HERRERA: -- told us.
23 COMMISSIONER BAKKER: -- it.
24 COMMISSIONER WAITS: But it wasn't --
25 COMMISSIONER BAKKER: We didn't put that in the ordinance.
26 COMMISSIONER WAITS: Oh.
27 DISTRICT ATTORNEY HERRERA: It's -- it's not --
28 CHAIRMAN MILLS: So --
29 DISTRICT ATTORNEY HERRERA: -- in the ordinance.
30 COMMISSIONER BAKKER: And I --
31 COMMISSIONER WAITS: Okay.
32 COMMISSIONER BAKKER: -- double-checked that.
33 DISTRICT ATTORNEY HERRERA: Because we did not --
34 COMMISSIONER WAITS: Okay.
35 DISTRICT ATTORNEY HERRERA: -- know for sure.
36 COMMISSIONER WAITS: Okay. Okay.
37 CHAIRMAN MILLS: Just --
38 DISTRICT ATTORNEY HERRERA: We didn't know --
39 COMMISSIONER WAITS: Thank you.
40 DISTRICT ATTORNEY HERRERA: -- what the state --

1 COMMISSIONER WAITS: What --
2 DISTRICT ATTORNEY HERRERA: -- would --
3 COMMISSIONER WAITS: That --
4 DISTRICT ATTORNEY HERRERA: -- do.
5 COMMISSIONER WAITS: Okay.
6 CHAIRMAN MILLS: Just as a --
7 COMMISSIONER WAITS: Thank you.
8 CHAIRMAN MILLS: -- point of clarification on that.
9 Does -- does our ordinance then need to say anything in it about
10 that we will give as many licenses as the state gives?
11 COMMISSIONER BAKKER: No.
12 CHAIRMAN MILLS: Or we -- we just don't say anything,
13 and -- and --
14 DISTRICT ATTORNEY HERRERA: I -- I --
15 CHAIRMAN MILLS: -- we --
16 DISTRICT ATTORNEY HERRERA: -- think we --
17 CHAIRMAN MILLS: -- just give as many as the -- as the
18 state gives. And --
19 DISTRICT ATTORNEY HERRERA: Right.
20 CHAIRMAN MILLS: -- it's okay the way the ordinance is.
21 DISTRICT ATTORNEY HERRERA: Right.
22 And -- and if the state -- if the state decides to put
23 their policy on paper, I think we should.
24 CHAIRMAN MILLS: Okay.
25 DISTRICT ATTORNEY HERRERA: But until they do, --
26 CHAIRMAN MILLS: All right.
27 DISTRICT ATTORNEY HERRERA: -- you know, it's got -- it's
28 kind of fluid, --
29 COMMISSIONER BAKKER: And it's evolving.
30 DISTRICT ATTORNEY HERRERA: -- Commissioner. And -- and --
31 CHAIRMAN MILLS: So --
32 DISTRICT ATTORNEY HERRERA: -- it's evolving.
33 COMMISSIONER BAKKER: So --
34 CHAIRMAN MILLS: -- another -- another thing that I'd like
35 a little clarification on. Because in -- in -- on page 5 of
36 Part A, if you're -- of your handout, you've got the little
37 chart there of the fees for the applications.
38 DISTRICT ATTORNEY HERRERA: Wait a second.
39 CHAIRMAN MILLS: And it's -- it's 25 -- 20,000 for a
40 medical cultivation, 20,000 for retail cultivation, 30,000 for

1 retail and medical cultivation, 10,000 for production
2 manufacturing, and 15,000 for testing facilities. So each --
3 each part of this is a separate license?
4 DISTRICT ATTORNEY HERRERA: Yes.
5 CHAIRMAN MILLS: Okay.
6 And that's the way the state is --
7 DISTRICT ATTORNEY HERRERA: Oh, absolutely.
8 CHAIRMAN MILLS: -- dictating that, and we're following
9 what they say. So there's --
10 DISTRICT ATTORNEY HERRERA: Absolutely. So -- so we're --
11 we're just foll- -- this is following the state. This is from
12 the state.
13 CHAIRMAN MILLS: All right.
14 COMMISSIONER WAITS: Okay.
15 DISTRICT ATTORNEY HERRERA: I stole most -- most of this
16 from the state with -- with their concurrence, of course.
17 CHAIRMAN MILLS: Right.
18 DISTRICT ATTORNEY HERRERA: But --
19 CHAIRMAN MILLS: And then --
20 DISTRICT ATTORNEY HERRERA: -- they --
21 CHAIRMAN MILLS: -- there's a --
22 DISTRICT ATTORNEY HERRERA: -- they --
23 CHAIRMAN MILLS: -- there's a separate \$1500 application
24 fee on top of all that.
25 COMMISSIONER BAKKER: That's --
26 DISTRICT ATTORNEY HERRERA: Yes.
27 COMMISSIONER BAKKER: -- the business license.
28 DISTRICT ATTORNEY HERRERA: And then there's a \$300 --
29 COMMISSIONER BAKKER: For their own business.
30 DISTRICT ATTORNEY HERRERA: -- fee for asking for a
31 special-use permit.
32 CHAIRMAN MILLS: Okay. Yeah. I -- I kin- -- I saw that in
33 here, but I didn't see --
34 DISTRICT ATTORNEY HERRERA: Okay.
35 CHAIRMAN MILLS: -- the fees on that one.
36 Okay. I --
37 COMMISSIONER ALLAN: So --
38 CHAIRMAN MILLS: -- just wanted to be clear that, when
39 they -- when they do a grow facility, it's not just
40 automatically medical, recreational. You have to have a

1 separate license for --
2 DISTRICT ATTORNEY HERRERA: Yes.
3 CHAIRMAN MILLS: -- each thing that you're going to be --
4 DISTRICT ATTORNEY HERRERA: Yes.
5 CHAIRMAN MILLS: -- doing at that facility. Okay.
6 DISTRICT ATTORNEY HERRERA: So -- so we -- we can give a
7 license for cultivation and production. One license. One
8 county license.
9 CHAIRMAN MILLS: Okay.
10 DISTRICT ATTORNEY HERRERA: But they had to get two
11 licenses from the state.
12 Matter of fact, one of these outfits had to get a -- two
13 licenses for Austin and two licenses for Battle Mountain because
14 they had to get cultivation and production in Austin and
15 cultivation and production in -- in Battle Mountain.
16 So if we grant -- if they qualify and -- and the commission
17 grants them licenses, we'd be giving two even though the state
18 gave them four, because that's --
19 CHAIRMAN MILLS: Okay.
20 DISTRICT ATTORNEY HERRERA: -- how we set up our thing.
21 CHAIRMAN MILLS: That's -- okay.
22 DISTRICT ATTORNEY HERRERA: Right now we are -- we are
23 doing a setup of cultivation and production.
24 CHAIRMAN MILLS: And can you --
25 DISTRICT ATTORNEY HERRERA: That's our license.
26 CHAIRMAN MILLS: -- and can you tell me what the difference
27 is between cultivation and production manufacturing?
28 DISTRICT ATTORNEY HERRERA: Well, you now, that's -- that's
29 kind of a -- that is the evolving part of the Department of
30 Taxation strategy.
31 We thought at first, because we were informed over the phone,
32 that -- that cultivation would allow us to do extraction and --
33 and things of that sort, but they don't.
34 They -- they allow cultivation to make cookies, apparently.
35 That's what they've now decided. But you have to get a production
36 license to do the extraction.
37 So that's why --
38 CHAIRMAN MILLS: Okay.
39 DISTRICT ATTORNEY HERRERA: -- they gave out both the
40 cultivation and production licenses this go-around for medical

1 marijuana establishments.

2 COMMISSIONER ALLAN: Where do those fees go?

3 DISTRICT ATTORNEY HERRERA: To the county, wherever you

4 guys want them to go.

5 COMMISSIONER ALLAN: So they would go into the General Fund

6 for --

7 DISTRICT ATTORNEY HERRERA: If that's where -- if that's --

8 COMMISSIONER ALLAN: Okay.

9 DISTRICT ATTORNEY HERRERA: -- where the county commission

10 wants it to go.

11 Now the \$1500, I would -- I would suggest that that go to

12 reimburse the ad- -- admin's doing mo- -- and the sheriff's

13 department's doing a lot of it. The sheriff department and the

14 admin department, you know, they're -- they're going to have to

15 gear up and do more work on this. So, you know, some of that

16 money should go back to them to pay their -- or -- or just, you

17 know, budget more next year. I -- I don't know. Either way you

18 want to do it, but -- but they're doing most of the groundwork.

19 And we're talking about those three parts of the application.

20 One's the application itself, Part A. Part B is -- is the -- is

21 the business license application. And Part C is the special-use

22 permit application.

23 COMMISSIONER BAKKER: So why don't we on the next meeting

24 get some recommendations from Cindy on where she wants those

25 fees to be applied to.

26 DISTRICT ATTORNEY HERRERA: And -- and you're going to

27 get -- and if -- if they do what they're supposed to do and --

28 and make a lot of money, the county's going to get 3 percent on

29 a quarterly basis, and at some point in time, you'd have to

30 decide (indiscernible) --

31 COMMISSIONER WAITS: On the --

32 DISTRICT ATTORNEY HERRERA: -- (indiscernible) --

33 COMMISSIONER WAITS: -- sales.

34 DISTRICT ATTORNEY HERRERA: -- (indiscernible).

35 COMMISSIONER CLARK: Yeah. Tell me -- tell me about that,

36 3 percent of the gross revenue quarterly.

37 DISTRICT ATTORNEY HERRERA: Yeah.

38 COMMISSIONER CLARK: They -- they'll report to the county

39 how much they make?

40 DISTRICT ATTORNEY HERRERA: Well, they have to report to

1 the state and the county. Yes.
2 COMMISSIONER CLARK: Okay. How much they make every
3 quarter?
4 DISTRICT ATTORNEY HERRERA: Right. It -- it -- it's
5 something like if it's over a hundred thousand dollars, it's --
6 it's less than 3 percent. Over 150 -- I think everything over
7 \$150,000 is 3 percent.
8 COMMISSIONER CLARK: So -- so they won't -- they won't pay
9 when they -- they're not making any money because it's going to
10 take them a time to get --
11 DISTRICT ATTORNEY HERRERA: Well, you -- you know, if they
12 -- if they make over a hundred thousand dollars, they're going
13 to be paying.
14 COMMISSIONER CLARK: Okay.
15 DISTRICT ATTORNEY HERRERA: In (indiscernible).
16 CHAIRMAN MILLS: So do we have -- do we have paperwork in
17 place for that? For them to submit their --
18 DISTRICT ATTORNEY HERRERA: Well, yeah. There --
19 there's -- there's stuff in the application.
20 CHAIRMAN MILLS: There's -- that's part --
21 DISTRICT ATTORNEY HERRERA: (Indiscernible.)
22 CHAIRMAN MILLS: -- of this application is for them to
23 submit their (indiscernible).
24 DISTRICT ATTORNEY HERRERA: We -- we follow the --
25 COMMISSIONER BAKKER: And they'll be --
26 DISTRICT ATTORNEY HERRERA: -- state.
27 COMMISSIONER BAKKER: -- submitting to the --
28 DISTRICT ATTORNEY HERRERA: We're making --
29 COMMISSIONER BAKKER: -- state.
30 DISTRICT ATTORNEY HERRERA: -- them do a lot of what the
31 state made them do.
32 CHAIRMAN MILLS: Right.
33 DISTRICT ATTORNEY HERRERA: And -- which should be easier
34 for them because they've already done this once.
35 CHAIRMAN MILLS: Right.
36 DISTRICT ATTORNEY HERRERA: But --
37 CHAIRMAN MILLS: So I say, we're --
38 DISTRICT ATTORNEY HERRERA: -- we'd like --
39 CHAIRMAN MILLS: -- we're moving forward. We've got an --
40 we're -- we've got an application here, but then when they

1 submit their quarterly payments, there's -- there's -- is that
2 -- that's part of this packet also?
3 DISTRICT ATTORNEY HERRERA: Yeah. And we're going to have
4 to --
5 CHAIRMAN MILLS: Okay.
6 DISTRICT ATTORNEY HERRERA: -- set up a -- a process for
7 that. But --
8 COMMISSIONER BAKKER: Well, they're also --
9 DISTRICT ATTORNEY HERRERA: -- Keith and I will --
10 COMMISSIONER BAKKER: -- going to submit --
11 DISTRICT ATTORNEY HERRERA: -- discuss that.
12 COMMISSIONER BAKKER: -- it to the state. And you'll be
13 able to see what they submitted to the state --
14 DISTRICT ATTORNEY HERRERA: Well, we -- see, --
15 COMMISSIONER BAKKER: -- concurrent to --
16 DISTRICT ATTORNEY HERRERA: -- no, everything that goes to
17 state is confidential. Everything that goes to us is
18 confidential.
19 COMMISSIONER BAKKER: I'm saying between our taxation
20 department and our finance department, though, they --
21 DISTRICT ATTORNEY HERRERA: That -- yeah.
22 COMMISSIONER BAKKER: We can set --
23 DISTRICT ATTORNEY HERRERA: Once --
24 COMMISSIONER BAKKER: -- up a line of communication --
25 DISTRICT ATTORNEY HERRERA: Yes. Yes. Absolutely.
26 COMMISSIONER BAKKER: -- to double-check everything.
27 DISTRICT ATTORNEY HERRERA: But we're not -- but the
28 state's not going to send us --
29 COMMISSIONER BAKKER: No, --
30 DISTRICT ATTORNEY HERRERA: -- what they --
31 COMMISSIONER BAKKER: -- I understand. We're going to have
32 to --
33 CHAIRMAN MILLS: Right.
34 COMMISSIONER BAKKER: -- contact them.
35 CHAIRMAN MILLS: Yeah.
36 DISTRICT ATTORNEY HERRERA: Even if we contact them,
37 they --
38 CHAIRMAN MILLS: So --
39 DISTRICT ATTORNEY HERRERA: -- they're reluctant to send us
40 anything because everything is so confidential. Keith and I

1 have been discussing the applications themselves will be
2 confidential and will be kept in a safe in -- in Keith's office.
3 Of course, the county commissioners are welcome to go peruse all
4 the documents. But it can't be part of the public record
5 because so many confidential things on the application itself.
6 CHAIRMAN MILLS: So presuming we approve the application
7 today, does -- does this clear the way for someone to start
8 their facility? Or are there other steps that need to take
9 place?
10 DISTRICT ATTORNEY HERRERA: Yes.
11 CHAIRMAN MILLS: And what's -- what's -- what -- what --
12 what after this do they need --
13 DISTRICT ATTORNEY HERRERA: They --
14 CHAIRMAN MILLS: -- do we --
15 DISTRICT ATTORNEY HERRERA: -- have to --
16 CHAIRMAN MILLS: -- do we need to do and -- and --
17 DISTRICT ATTORNEY HERRERA: We --
18 CHAIRMAN MILLS: -- the applicants need --
19 DISTRICT ATTORNEY HERRERA: -- we --
20 CHAIRMAN MILLS: -- to do?
21 DISTRICT ATTORNEY HERRERA: We -- we -- just like on first
22 page of A.
23 I put an application time on it.
24 So I would hope that you would give Keith the authority to
25 decide when to open this 10-day timeline to seek applications. We
26 post it. We send it out.
27 Now, we know that we're only going to get -- there's only
28 --
29 CHAIRMAN MILLS: We've only got three.
30 DISTRICT ATTORNEY HERRERA: -- three.
31 Yes.
32 But we don't know if they're all going to apply. They --
33 it would be ridiculous not to after all the money they paid to
34 the state. But -- but -- so I anticipate --
35 CHAIRMAN MILLS: Right.
36 DISTRICT ATTORNEY HERRERA: -- we're going to get three
37 applications.
38 CHAIRMAN MILLS: And then -- and then we're going to get --
39 DISTRICT ATTORNEY HERRERA: And then we're going to get --
40 CHAIRMAN MILLS: -- four permits?

1 DISTRICT ATTORNEY HERRERA: Well, if -- if we give all the
2 -- if all the applicants qualify and we give all of them that
3 are asking for, we'd be giving two licenses in Austin/Kingston
4 area, five licenses in Battle Mountain.
5 Because one of the applicants --
6 CHAIRMAN MILLS: So we're going to give seven licenses out?
7 DISTRICT ATTORNEY HERRERA: Right. Because --
8 CHAIRMAN MILLS: Okay.
9 DISTRICT ATTORNEY HERRERA: -- one appli- -- one potential
10 applicant is just asking for cultivation only. That's one
11 license.
12 COMMISSIONER WAITS: Okay.
13 DISTRICT ATTORNEY HERRERA: One applicant --
14 CHAIRMAN MILLS: Okay.
15 DISTRICT ATTORNEY HERRERA: -- is asking for cultivation
16 production.
17 CHAIRMAN MILLS: And production.
18 DISTRICT ATTORNEY HERRERA: And then the other applicant --
19 CHAIRMAN MILLS: Separate licenses.
20 DISTRICT ATTORNEY HERRERA: -- is production and
21 cultivation. But that's five licenses right there even though
22 it's --
23 COMMISSIONER BAKKER: And they may bill all these --
24 CHAIRMAN MILLS: Okay.
25 COMMISSIONER BAKKER: -- applicants out, pay the money to
26 the county, and still not meet the state deadlines.
27 DISTRICT ATTORNEY HERRERA: That -- absolutely.
28 COMMISSIONER WAITS: That's true.
29 DISTRICT ATTORNEY HERRERA: That's why -- that's why it
30 might be better to give all the qualified applicants a license,
31 because we don't know if they're going to make it through the 18
32 months.
33 COMMISSIONER CLARK: That's a --
34 CHAIRMAN MILLS: Right.
35 COMMISSIONER CLARK: -- lot to get done in 18 months.
36 DISTRICT ATTORNEY HERRERA: A lot.
37 COMMISSIONER CLARK: And how -- how far into the 18 months
38 are we?
39 CARYNN CONDER: You have till November of 2019.
40 CHAIRMAN MILLS: November '19. Okay. So there -- it's

1 still feasible.

2 DISTRICT ATTORNEY HERRERA: Yeah. It's feasible. But we

3 have -- that's why we need to get --

4 CHAIRMAN MILLS: Okay.

5 DISTRICT ATTORNEY HERRERA: -- on it.

6 COMMISSIONER WAITS: Okay.

7 CHAIRMAN MILLS: So --

8 COMMISSIONER BAKKER: Keith --

9 CHAIRMAN MILLS: -- once -- what -- once we approve this,

10 and we set the date for when it's going to happen, then -- and

11 then they can apply. And they can start moving forward.

12 DISTRICT ATTORNEY HERRERA: Yep. They can pick up the --

13 yeah.

14 CHAIRMAN MILLS: So this clears -- this -- this step right

15 here today is -- kind of clears the way to -- to really get

16 things going.

17 DISTRICT ATTORNEY HERRERA: Yep.

18 CHAIRMAN MILLS: Okay.

19 DISTRICT ATTORNEY HERRERA: For your department to set up

20 the time and send -- give notice and -- and have people send in

21 the application.

22 CHAIRMAN MILLS: Okay.

23 COMMISSIONER BAKKER: Okay. I'm going to take a stab at

24 this.

25 DISTRICT ATTORNEY HERRERA: I mean, one of the -- one of

26 the potential applicants is already on the planning commission's

27 agenda.

28 So they -- they know their time is running.

29 CHAIRMAN MILLS: Right. Okay.

30 COMMISSIONER WAITS: Okay.

31 COMMISSIONER BAKKER: Okay. I'm going to make a motion to

32 approve an application for medical marijuana cultivation

33 production facility licenses within --

34 CARYNN CONDER: Can we -- is there public comment first?

35 COMMISSIONER BAKKER: Oh, sure.

36 CARYNN CONDER: Okay. Carynn Conder.

37 Is this application available now to --

38 DISTRICT ATTORNEY HERRERA: It's right in front of you.

39 CARYNN CONDER: -- peruse? Okay.

40 Is there anything on the application that has not already

1 been asked for from the state?

2 DISTRICT ATTORNEY HERRERA: You're going to have to read
3 the application and determine that. Because -- because I -- I'm
4 not privy to what you guys applied to on the state.

5 It's very confidential. And the state won't give me that
6 information.

7 So I can't -- it's impossible for me to answer that question.

8 CARYNN CONDER: Okay.

9 Is there -- do we have to -- because I think that I read in
10 the ordinance that applicants would have to discuss how they're
11 going to manage currency and that sort --

12 DISTRICT ATTORNEY HERRERA: Yes.

13 CARYNN CONDER: -- of thing.

14 Because even the state didn't ask for anything concerning
15 that. And --

16 DISTRICT ATTORNEY HERRERA: We're asking for it.

17 CARYNN CONDER: I guess my concern is just security and
18 confidentiality and --

19 DISTRICT ATTORNEY HERRERA: That's why it's confidential.
20 That's why it's going to remain confidential.

21 CARYNN CONDER: Okay.

22 All right.

23 DISTRICT ATTORNEY HERRERA: Of course, when I say
24 "confidential," that -- the county commissioners are certainly
25 authorized and entitled to look at it in -- in -- in that
26 confidential state. But -- but it doesn't become a matter of
27 public record.

28 CARYNN CONDER: Okay.

29 COMMISSIONER BAKKER: And I think we're still going to need
30 to have some discussions on how the finances is going -- going
31 to work and how the taxes is going to be regula- -- or watched.
32 But if we approve the application today, at least you guys can
33 start the hard work part of it to get it rolling. Because we
34 still have -- by the time you're up and running, we -- we better
35 have how we're going to handle the finances up and running too.

36 But, I mean, if we get this going now, then you guys can
37 start your work today.

38 CARYNN CONDER: Okay. That's all I have.

39 DISTRICT ATTORNEY HERRERA: Now, there's three parts in
40 that --

1 COMMISSIONER BAKKER: I don't know if that helps.
2 DISTRICT ATTORNEY HERRERA: -- application.
3 Make sure you get A, B, and C.
4 CARYNN CONDER: Thank you very much.
5 COMMISSIONER BAKKER: Any other public comment?
6 Before I --
7 AMBER KANAKIS: Amber Kanakis, for the record.
8 Again, most of the points have been made by Mr. Herrera.
9 But time is very sensitive in this issue --
10 COMMISSIONER CLARK: Could you come up --
11 AMBER KANAKIS: -- so --
12 COMMISSIONER CLARK: -- so we can hear you?
13 AMBER KANAKIS: Sorry.
14 COMMISSIONER CLARK: You need to be recorded.
15 AMBER KANAKIS: Time is very sensitive on this issue. So
16 Mr. Herrera has already made the points I'm going to make as
17 well.
18 But to approve this today would be very helpful so that
19 these individuals and these companies who've spent a lot of
20 money, a lot of time, a lot of resources can get up and going.
21 Even through the application process, even if these companies do
22 not comply with the 18-month-time-period regulation, you guys
23 still stand to make a lot of money as a county just through the
24 application process.
25 So a -- allowing licenses to potentially be given out to
26 anyone who has gotten a license from the state, like and even if
27 they're not up and running in 18 months, you still may get a lot
28 of money as a county, which can help.
29 And then if they do get up and running, even better,
30 because as many production or cultivation facilities are up and
31 running, you get a lot more tax dollars. And there's really no
32 risk because, again, this isn't a dispensary regulation. So it
33 doesn't put anything on your streets.
34 So we're just a proponent of passing this today for all
35 applicants who are qualified because they received a state
36 certificate.
37 CHAIRMAN MILLS: Is there -- is there a group that you
38 represent? Or are you just speaking for --
39 AMBER KANAKIS: Yes, I rep- --
40 CHAIRMAN MILLS: -- yourself?

1 AMBER KANAKIS: -- I represent Pure Growers.
2 CHAIRMAN MILLS: Peer?
3 COMMISSIONER BAKKER: Peter Growen.
4 AMBER KANAKIS: Pure Growers.
5 CHAIRMAN MILLS: Pure Growers?
6 AMBER KANAKIS: Uh-huh.
7 CHAIRMAN MILLS: Okay. Can you tell me a little bit about
8 what -- what is that?
9 AMBER KANAKIS: So they're --
10 CHAIRMAN MILLS: Never heard of it.
11 AMBER KANAKIS: -- a company. They've been given both a
12 cultivation license and a production license from the state for
13 the Battle Mountain area.
14 And --
15 CHAIRMAN MILLS: Oh, okay.
16 AMBER KANAKIS: -- they are from northern Nevada. They
17 really want to be involved in your community.
18 And they'd really like really to create some tax dollars for
19 you.
20 CHAIRMAN MILLS: Okay.
21 AMBER KANAKIS: Thank you.
22 CHAIRMAN MILLS: Thank --
23 COMMISSIONER BAKKER: Thank --
24 CHAIRMAN MILLS: -- you.
25 COMMISSIONER BAKKER: -- you.
26 COMMISSIONER WAITS: Thank you.
27 I -- I think the -- the difficult part too is there's this
28 really no fair way to choose two out of the three. If we didn't
29 approve three, it's, like, flip a --
30 CHAIRMAN MILLS: Right.
31 COMMISSIONER WAITS: -- coin. And -- and that's kind of
32 difficult too when you're in a -- and --
33 CHAIRMAN MILLS: Yeah. That solves --
34 COMMISSIONER WAITS: -- so we appreciate your comments on
35 it. And --
36 COMMISSIONER BAKKER: Is it --
37 COMMISSIONER WAITS: -- what it --
38 CHAIRMAN MILLS: It solves --
39 COMMISSIONER WAITS: -- may do --
40 CHAIRMAN MILLS: -- a problem.

1 COMMISSIONER WAITS: -- for the county. Yeah.
2 UNIDENTIFIED PARTICIPANT: Yeah.
3 COMMISSIONER BAKKER: Any other public comment?
4 KEITH WESTENGARD: In your motion, if --
5 CHAIRMAN MILLS: Because --
6 KEITH WESTENGARD: -- you could, put the acceptance dates.
7 COMMISSIONER BAKKER: I was going to say immediately.
8 KEITH WESTENGARD: Well, we -- it's a ten-day period from
9 starting Monday, July 30th. We'll start accept- -- accept- --
10 accepting them at 8:00 a.m.
11 They will be time-stamped.
12 And we'll stop accepting them on Friday, August 10th, at
13 5:00 p.m. at close of business. And we will time-stamp them.
14 It's a two-week period.
15 COMMISSIONER WAITS: Do we have to advertise anything like
16 this? Or just general information like --
17 KEITH WESTENGARD: Well, if there's --
18 COMMISSIONER WAITS: -- through the --
19 KEITH WESTENGARD: -- only --
20 COMMISSIONER WAITS: -- commissioners?
21 KEITH WESTENGARD: -- if there's only the three applicants,
22 I think --
23 COMMISSIONER BAKKER: Probably already --
24 CHAIRMAN MILLS: We can -- we can send --
25 COMMISSIONER BAKKER: -- sweating.
26 CHAIRMAN MILLS: -- them all letters if --
27 KEITH WESTENGARD: We could send --
28 CHAIRMAN MILLS: -- we have to.
29 KEITH WESTENGARD: -- them letters.
30 CHAIRMAN MILLS: But, I mean, this is --
31 KEITH WESTENGARD: Yeah.
32 COMMISSIONER WAITS: No, I meant --
33 CHAIRMAN MILLS: It's only --
34 COMMISSIONER WAITS: -- I meant --
35 CHAIRMAN MILLS: -- three of them.
36 DISTRICT ATTORNEY HERRERA: I think we --
37 COMMISSIONER WAITS: -- put- -- putting a notice in the --
38 COMMISSIONER BAKKER: I don't know why --
39 COMMISSIONER WAITS: -- paper --
40 COMMISSIONER BAKKER: -- we need --

1 COMMISSIONER WAITS: -- of what we're --
2 COMMISSIONER BAKKER: -- an end date, --
3 COMMISSIONER WAITS: -- doing.
4 COMMISSIONER BAKKER: -- though.
5 DISTRICT ATTORNEY HERRERA: We should. We should send
6 notice. But I -- but --
7 KEITH WESTENGARD: Well, because we want them in.
8 We want them to stop.
9 CHAIRMAN MILLS: Yeah. It was --
10 DISTRICT ATTORNEY HERRERA: Yeah. But we need to start
11 right away. But I --
12 CHAIRMAN MILLS: It's -- it's --
13 DISTRICT ATTORNEY HERRERA: -- I don't believe --
14 CHAIRMAN MILLS: -- pretty --
15 DISTRICT ATTORNEY HERRERA: -- we have --
16 CHAIRMAN MILLS: -- normal.
17 DISTRICT ATTORNEY HERRERA: -- to give, like, two weeks'
18 notice before we do it. We just should -- should put notice in
19 the --
20 COMMISSIONER BAKKER: I say we just --
21 COMMISSIONER WAITS: Okay.
22 COMMISSIONER BAKKER: -- start and -- Carynn.
23 CARYNN CONDER: Okay. So is the special-use --
24 COMMISSIONER BAKKER: You got to state --
25 CARYNN CONDER: -- have to --
26 COMMISSIONER BAKKER: -- your name, though, real --
27 CARYNN CONDER: -- be --
28 COMMISSIONER BAKKER: -- quick.
29 CARYNN CONDER: -- included in your application?
30 Carynn Conder.
31 CHAIRMAN MILLS: Thank you.
32 CARYNN CONDER: Does the special-use permit have to be
33 gotten --
34 KEITH WESTENGARD: I believe it is in --
35 CARYNN CONDER: -- within --
36 KEITH WESTENGARD: -- there, isn't it?
37 CARYNN CONDER: -- the application --
38 KEITH WESTENGARD: Yeah.
39 CARYNN CONDER: -- time frame?
40 KEITH WESTENGARD: Uh-huh.

1 DISTRICT ATTORNEY HERRERA: Well --
2 CARYNN CONDER: Because --
3 DISTRICT ATTORNEY HERRERA: No. You -- you can -- you
4 can -- you work with the admin department. If -- if you can't
5 get in for a special-use permit before the ten days is done,
6 then you can't do it. But you put on the application where you
7 are in the process.
8 CARYNN CONDER: Okay.
9 DISTRICT ATTORNEY HERRERA: I mean, it -- it's one
10 department that does the zoning, the special-use permit, --
11 COMMISSIONER BAKKER: I don't like close date.
12 DISTRICT ATTORNEY HERRERA: -- and takes the applications.
13 The sheriff's department does the background.
14 But we're only talking about sheriff's department and the
15 admin department. And the admin department does most of the
16 work, the groundwork. So you can just talk to them. And they
17 -- they understand the complexities of -- of a special-use
18 permit and a -- and a business license application.
19 If we can't -- the business licenses probably wouldn't take
20 as long as the special-use permit. But -- but sometimes we
21 can't get into the meetings in time, and they understand that.
22 KEITH WESTENGARD: Or you can -- you can put in "accepted
23 until further notice," --
24 DISTRICT ATTORNEY HERRERA: Right.
25 KEITH WESTENGARD: -- if you'd like to do that,
26 Commissioner.
27 COMMISSIONER BAKKER: Okay.
28 Let me take a stab at this.
29 Is there any other public comment?
30 CHAIRMAN MILLS: We'll be asking again anyways.
31 COMMISSIONER BAKKER: Yeah.
32 I'll make a motion to approve an application for medical
33 marijuana cultivation and production facility licenses within
34 Lander County and to take in applications for the three applicants
35 and all the licenses that they were granted by the state for
36 operations in Lander County, starting July 30th, 8:00 a.m., and
37 open-ended until further notice.
38 COMMISSIONER CLARK: Second.
39 DISTRICT ATTORNEY HERRERA: But you didn't answer if you're
40 going to allow all qualified applicants.

1 COMMISSIONER BAKKER: I said all --
2 DISTRICT ATTORNEY HERRERA: You said --
3 COMMISSIONER BAKKER: -- applicants.
4 DISTRICT ATTORNEY HERRERA: -- take in. You said --
5 COMMISSIONER WAITS: You said all three.
6 COMMISSIONER CLARK: All three.
7 COMMISSIONER BAKKER: All three applicants and their
8 licenses that they were granted by the state.
9 AMBER KANAKIS: Yeah.
10 DISTRICT ATTORNEY HERRERA: Their provisional licenses.
11 COMMISSIONER BAKKER: Right.
12 COMMISSIONER CLARK: I'll second.
13 DISTRICT ATTORNEY HERRERA: So all qualified applicants --
14 COMMISSIONER BAKKER: All qualified applicants and the --
15 the --
16 DISTRICT ATTORNEY HERRERA: -- will be approved.
17 COMMISSIONER BAKKER: Yes. And the provision licenses --
18 DISTRICT ATTORNEY HERRERA: As long --
19 COMMISSIONER BAKKER: -- that are qualified --
20 DISTRICT ATTORNEY HERRERA: -- as that's --
21 COMMISSIONER BAKKER: -- by --
22 DISTRICT ATTORNEY HERRERA: -- in the --
23 COMMISSIONER BAKKER: -- the state.
24 DISTRICT ATTORNEY HERRERA: -- record.
25 COMMISSIONER BAKKER: So if one applicant got four licenses
26 or two or three --
27 DISTRICT ATTORNEY HERRERA: Thank you.
28 COMMISSIONER BAKKER: -- or whatever, --
29 DISTRICT ATTORNEY HERRERA: It doesn't matter.
30 COMMISSIONER BAKKER: Right.
31 CHAIRMAN MILLS: Okay. I believe I heard -- Art, did you
32 second?
33 COMMISSIONER CLARK: Yes.
34 CHAIRMAN MILLS: Okay. And is that motion sufficient and
35 --
36 DISTRICT ATTORNEY HERRERA: It is now.
37 CHAIRMAN MILLS: Okay.
38 Sean made a motion. Art seconded.
39 Do we have any public comment?
40 (No comment.)

1 CHAIRMAN MILLS: All in favor?
2 COMMISSIONER BAKKER: Aye.
3 CHAIRMAN MILLS: Aye.
4 COMMISSIONER WAITS: Aye.
5 COMMISSIONER CLARK: Aye.
6 CHAIRMAN MILLS: Opposed?
7 COMMISSIONER ALLAN: Nay.
8 COMMISSIONER BAKKER: Okay.
9 CHAIRMAN MILLS: We got a step closer.
10 COMMISSIONER BAKKER: Okay, guys. Thank you.

11
12 3) Discussion and possible action to create, redesign, and/or
13 update an organizational chart for the Lander County
14 administrative offices to include all pertinent departments
15 under or attached thereto, to define positions and duties,
16 and to request the Lander County district attorney to update
17 the Lander County Code to comply with and all actions taken
18 by the board on the agenda item, and all other matters
19 properly related thereto.
20

21 CHAIRMAN MILLS: Okay. Item 3. Discussion and possible
22 action to create, redesign, and/or update an organizational
23 chart for Lander County administrative offices to include all
24 pertinent departments under or attached thereto, to define
25 positions and duties, and to request the Lander County district
26 attorney to update the Lander County Code to comply with and all
27 ac- -- comply with and all actions taken by the r- -- by the
28 board on the agenda item, and all other matters properly related
29 thereto.

30 COMMISSIONER CLARK: Can we take a break?

31 This may be a long one.

32 CHAIRMAN MILLS: It could be. Yeah. We can do a break.

33 COMMISSIONER BAKKER: Miteshell?

34 MITESHELL LANHAM: Yes.

35 COMMISSIONER BAKKER: Give us -- I don't know. You know.
36 We're taking break.

37

38 (Break taken between 10:01 a.m. and 10:09 a.m.)

39

40 CHAIRMAN MILLS: -- meeting back to order.

1 3) Discussion and possible action to create, redesign, and/or
2 update an organizational chart for the Lander County
3 administrative offices to include all pertinent departments
4 under or attached thereto; to define positions and duties and
5 to request the Lander County district attorney to update the
6 Lander County Code to comply with and all actions taken by
7 the board on the agenda item, and all other matters properly
8 related thereto.
9

10 CHAIRMAN MILLS: Again, we're on Item Number 3.

11 Discussion and possible action to create, redesign, and/or
12 update an organization- -- organizational chart for Lander
13 County administrative offices to include all pertinent
14 departments under or attached thereto, to def- -- to -- to
15 define positions and duties, and to request the Lander County
16 district attorney to update Lander County Code to comply with
17 all actions taken by the board on the agenda item, and all other
18 matters properly related thereto.

19 KEITH WESTENGARD: So this was discussed last week. The
20 board did approve some of the changes. I wanted to come back.
21 After some lengthy discussion, it was made -- made pretty clear
22 that when we changed the public works or made the public works a
23 supervisor that it was a demotion to the -- to the employee.

24 So we came up with a -- a fix to that to put the position
25 I'm in from -- to change it from executive director to county
26 manager and to make the public works supervisor the public works
27 director.

28 Public works director, as it says in there, would update
29 directly to the commissioners with his monthly or -- or
30 bimonthly reports. He would come to the commission directly for
31 contracts, projects, anything that would involve a commission-,
32 financial-type decision. But his day-to-day operations he would
33 report directly to the position of county manager.

34 Other than that, everything stayed in place. And I guess
35 we'll try to answer questions.

36 COMMISSIONER WAITS: Oh, I spoke up last time. And I'll --
37 I'll say the same thing again, that the experience I've had with
38 the past commissioners when we tried to -- to look at name
39 changes was that we did not think a county manager was what
40 Lander County really wanted to do because of the controls under

1 the NRS. And they like the -- the extra freedom that we had to
2 keep it executive director. And so, with that, I'm -- I'm still
3 in favor of executive director.

4 Now, with that, that brings up the problem with the public
5 works director. And -- and I'm sorry that they feel supervisor
6 is -- is a demotion from director. I can understand like,
7 What's in a name? A rose by any other name is still a rose.
8 And I -- I really don't care what name you want to put on there.
9 You can put head honcho.

10 I mean, the point is, it's not -- it shouldn't be demeaning
11 because it's not a reduction in any kind of -- of service or
12 authority. So if we have to find another way of what would work
13 well for his title, then let's see if we can be more creative
14 with the title that everybody's okay --

15 COMMISSIONER CLARK: When --

16 COMMISSIONER WAITS: -- with.

17 COMMISSIONER CLARK: -- when a public works -- it was
18 public works supervisor, not public works director --

19 KEITH WESTENGARD: It --

20 COMMISSIONER CLARK: -- when Bert was hired?

21 KEITH WESTENGARD: It was -- it was pretty -- pretty mixed
22 up at that time.

23 COMMISSIONER CLARK: No. What -- what does it say on his
24 paperwork?

25 DISTRICT ATTORNEY HERRERA: Director.

26 KEITH WESTENGARD: It says --

27 COMMISSIONER CLARK: What is his --

28 KEITH WESTENGARD: -- it says --

29 COMMISSIONER CLARK: -- title?

30 KEITH WESTENGARD: -- it says director on his --

31 COMMISSIONER CLARK: Okay.

32 KEITH WESTENGARD: -- title.

33 COMMISSIONER CLARK: If it says "director," --

34 KEITH WESTENGARD: On his --

35 COMMISSIONER CLARK: -- then he --

36 KEITH WESTENGARD: -- paperwork, I mean.

37 COMMISSIONER CLARK: -- he has been under NRS from that
38 time forward.

39 UNIDENTIFIED PARTICIPANT: Uh-huh.

40 COMMISSIONER CLARK: Anything less would be a demotion.

1 Now I know what the ordinances say and so on, but when
2 you're under NRS, you have to operate under NRS.
3 COMMISSIONER WAITS: Excuse me. I'm -- I'm confused, then.
4 Because public works director, isn't -- is that under NRS?
5 COMMISSIONER CLARK: Yes. The --
6 KEITH WESTENGARD: We --
7 COMMISSIONER CLARK: -- public --
8 KEITH WESTENGARD: -- have that --
9 COMMISSIONER CLARK: -- works director is under --
10 DISTRICT ATTORNEY HERRERA: It --
11 COMMISSIONER CLARK: -- NRS.
12 DISTRICT ATTORNEY HERRERA: -- it's --
13 COMMISSIONER WAITS: I knew --
14 DISTRICT ATTORNEY HERRERA: It is under NR- --
15 Commissioner, it's under NRS, but -- but it's not a "shall."
16 It's if the county commissioners -- they can create a public
17 works director. So --
18 And if they do, then these are the people that should be
19 under him.
20 Now that means you didn't have to create a public works
21 director, but -- but you did and you hired him as such.
22 That's the problem. If there's a problem here, that's it.
23 COMMISSIONER WAITS: And you're saying we -- we cannot have
24 two directors.
25 DISTRICT ATTORNEY HERRERA: Well --
26 COMMISSIONER WAITS: If we have two directors, one can't
27 really -- we can't -- under NRS, can we have the public works
28 director at least give updates and -- and -- and day-to-day
29 operations and -- and everything?
30 Because they're -- they're not equal. I mean, our
31 executive director is above the county. And I don't consider
32 the public works director equal to that position.
33 DISTRICT ATTORNEY HERRERA: Well, in some counties they
34 are. Absolutely.
35 COMMISSIONER WAITS: Are they -- have they -- they have
36 been in --
37 DISTRICT ATTORNEY HERRERA: Now in --
38 COMMISSIONER WAITS: -- ours?
39 DISTRICT ATTORNEY HERRERA: -- in Win- -- in -- in -- in
40 Winnemucca, for example, what they just did from this last year,

1 November to -- to January, they went with a -- with a county
2 manager. And they did a three-year contract. And they changed
3 the public works supervisor to a public works director. And
4 they're following NRS in doing that.

5 So if you have a public works director, you really need a
6 county manager to go along with them. But if you -- if you
7 don't have a public works director, then you can have an
8 executive director be in charge of a supervisor.

9 Am I making any sense?

10 COMMISSIONER WAITS: If -- yes. Now I'm following you.
11 I'm -- I'm just with the concerns of -- of what it would do and
12 the -- the reviews we still need to look at by changing from
13 county executive -- executive director to county manager in the
14 name and what that all would entail.

15 And I -- I think it takes more -- more research before we
16 just say, oh, let's just change the name.

17 But I understand we've been in conflict. So we have to do
18 something.

19 DISTRICT ATTORNEY HERRERA: Yes. And that's -- that's your
20 --

21 COMMISSIONER ALLAN: Well, --

22 COMMISSIONER WAITS: Okay.

23 COMMISSIONER ALLAN: -- I --

24 DISTRICT ATTORNEY HERRERA: That's the original conflict we
25 --

26 COMMISSIONER WAITS: Okay.

27 DISTRICT ATTORNEY HERRERA: -- we've had.

28 COMMISSIONER WAITS: Okay.

29 COMMISSIONER ALLAN: One of the things was when -- when
30 Bert was hired as a public works director, that was in direct
31 conflict with the Lander County Code. So in effect, that title
32 didn't exist.

33 And as Patsy stated, I mean, sure, whether you have a
34 county manager with a director under him or an executive
35 director, you know, with -- with a supervisor under that --

36 But at the moment, we still have not changed the county
37 code. We've discussed it. We've approved the change. But the
38 process has not been --

39 DISTRICT ATTORNEY HERRERA: That's true.

40 COMMISSIONER ALLAN: So, right now, this sort of -- we're

1 getting ahead of ourselves. Until we actually get those codes
2 changed and corrected, then whether he is a director, a
3 supervisor, the -- the title was not correct when he was hired.
4 So you can't call it a demotion if we're going to say he's a
5 supervisor at this point because he never was a director.
6 So it's a -- it's a name. It's a title. It's -- the --
7 the job position is the same. And --
8 DISTRICT ATTORNEY HERRERA: Commissioner, the -- we -- it
9 came in front of this commission to realign --
10 COMMISSIONER ALLAN: I'm aware of --
11 DISTRICT ATTORNEY HERRERA: -- that --
12 COMMISSIONER ALLAN: -- that.
13 DISTRICT ATTORNEY HERRERA: -- department. And this
14 commission decided to do the realignment, --
15 COMMISSIONER ALLAN: I am totally --
16 DISTRICT ATTORNEY HERRERA: -- and they made --
17 COMMISSIONER ALLAN: -- aware --
18 DISTRICT ATTORNEY HERRERA: -- him --
19 COMMISSIONER ALLAN: -- of that.
20 DISTRICT ATTORNEY HERRERA: -- a public works director.
21 Now they -- what they should have done is asked me at that
22 time to follow up with an ordinance change.
23 But it doesn't mean it's not valid. But it also doesn't
24 mean you can't change it. But it's been done.
25 COMMISSIONER ALLAN: But it's still not valid until we --
26 DISTRICT ATTORNEY HERRERA: It's --
27 COMMISSIONER ALLAN: -- change the --
28 DISTRICT ATTORNEY HERRERA: -- valid.
29 COMMISSIONER ALLAN: -- ordinance.
30 DISTRICT ATTORNEY HERRERA: It's valid.
31 COMMISSIONER ALLAN: And how do you figure that?
32 DISTRICT ATTORNEY HERRERA: Because you guys are the
33 decision, policy makers of the county. And when you do
34 something by vote, it becomes valid.
35 If the --
36 COMMISSIONER ALLAN: Even if it goes against the county
37 ordinance?
38 DISTRICT ATTORNEY HERRERA: It was a change. It was --
39 How do you modify a county ordinance, Commissioner? That's
40 how you do it.

1 COMMISSIONER ALLAN: You go through the process of
2 advertising in public --
3 DISTRICT ATTORNEY HERRERA: After --
4 COMMISSIONER ALLAN: -- comment.
5 DISTRICT ATTORNEY HERRERA: -- you make the necessary
6 changes that you want --
7 COMMISSIONER ALLAN: It was --
8 DISTRICT ATTORNEY HERRERA: -- the --
9 COMMISSIONER ALLAN: -- never --
10 DISTRICT ATTORNEY HERRERA: -- public.
11 COMMISSIONER ALLAN: -- done.
12 DISTRICT ATTORNEY HERRERA: It was, by this commission.
13 COMMISSIONER ALLAN: It was never done previously.
14 And so the entire position was not correct until it was
15 changed the last commission meeting.
16 DISTRICT ATTORNEY HERRERA: It -- you're -- you're
17 absolutely wrong.
18 COMMISSIONER ALLAN: Whatever. Ted, I don't -- you know, I
19 don't agree with what you have to say.
20 DISTRICT ATTORNEY HERRERA: And --
21 COMMISSIONER ALLAN: You don't --
22 DISTRICT ATTORNEY HERRERA: -- that's --
23 COMMISSIONER ALLAN: -- agree --
24 DISTRICT ATTORNEY HERRERA: -- fine.
25 COMMISSIONER ALLAN: -- with me. But --
26 DISTRICT ATTORNEY HERRERA: But -- but the --
27 COMMISSIONER ALLAN: -- I'm trying to make a statement here
28 and a point.
29 And until we get this corrected legally, then it -- it
30 really is --
31 DISTRICT ATTORNEY HERRERA: Commissioner, all I'm saying is
32 that when you guys agendize something and take a vote on it and
33 decide something, that's valid in the county.
34 If the ordinance hasn't been changed yet, that -- that is the
35 problem. That's why we started this whole thing in the beginning
36 to make the ordinance follow what you have done as a commission.
37 That's why we're here.
38 So what you decide in the reorganization is going to be
39 valid. And then you're going ask to change the ordinance. That's
40 how it's done.

1 And then it's published and everything else. And you go
2 through the ordinance change.
3 But until you make your policy decision, we don't know what
4 changes to --
5 COMMISSIONER ALLAN: I understand --
6 DISTRICT ATTORNEY HERRERA: -- make --
7 COMMISSIONER ALLAN: -- that.
8 DISTRICT ATTORNEY HERRERA: -- to the ordinance.
9 COMMISSIONER ALLAN: And my point being is when the public
10 works supervisor was hired as a public works director, that was
11 in violation of the ordinance. And the ordinance was never
12 changed.
13 COMMISSIONER CLARK: But it's not --
14 COMMISSIONER ALLAN: And --
15 COMMISSIONER CLARK: -- in violation --
16 DISTRICT ATTORNEY HERRERA: It wasn't --
17 COMMISSIONER CLARK: -- of the --
18 DISTRICT ATTORNEY HERRERA: -- in --
19 COMMISSIONER CLARK: -- NRS.
20 DISTRICT ATTORNEY HERRERA: -- violation because you were
21 changing it.
22 UNIDENTIFIED PARTICIPANT: It was always --
23 COMMISSIONER CLARK: Yeah.
24 COMMISSIONER ALLAN: Okay, you guys. You --
25 COMMISSIONER WAITS: Okay. I --
26 COMMISSIONER ALLAN: Put your tunnel vision glasses on or
27 take them off because you're not listening.
28 DISTRICT ATTORNEY HERRERA: Are you getting personal with
29 me now?
30 Take your glasses --
31 COMMISSIONER ALLAN: I'm making --
32 DISTRICT ATTORNEY HERRERA: -- on, --
33 COMMISSIONER ALLAN: -- a --
34 DISTRICT ATTORNEY HERRERA: -- put them --
35 COMMISSIONER ALLAN: -- statement is all.
36 DISTRICT ATTORNEY HERRERA: That's what -- that's -- that's
37 not civil conduct, Commissioner.
38 I -- I haven't -- I haven't attacked you personally.
39 COMMISSIONER ALLAN: I am not attacking you, Ted.
40 DISTRICT ATTORNEY HERRERA: Really?

1 COMMISSIONER ALLAN: I am making --
2 DISTRICT ATTORNEY HERRERA: A little sarcasm over the
3 glasses.
4 COMMISSIONER ALLAN: Had nothing to do with it.
5 DISTRICT ATTORNEY HERRERA: Oh. Okay.
6 CHAIRMAN MILLS: Okay.
7 COMMISSIONER BAKKER: Okay. What's the difference --
8 CHAIRMAN MILLS: So --
9 COMMISSIONER BAKKER: -- between a county manager and
10 executive director by NRS or by title, job duties? Lay it out.
11 KEITH WESTENGARD: The commission will set -- you can say
12 county manager --
13 COMMISSIONER BAKKER: Don't be getting vague. Just tell me
14 the differences.
15 KEITH WESTENGARD: You can put it that you want your county
16 manager to follow the county code.
17 Because the -- the county managers, NRS 244.125,
18 appointment, compensation, and removal.
19 Then it goes to qualifications. Then it goes to duties,
20 employees, and assistance.
21 County manager shall perform such administrative functions of
22 the county government as may be required -- as may be required by
23 the board of county commissioners.
24 COMMISSIONER WAITS: So does that also --
25 KEITH WESTENGARD: So you set it. You set the county
26 manager's duties.
27 COMMISSIONER WAITS: How about the pay?
28 KEITH WESTENGARD: You set the pay. The commissioners set
29 the -- the tone for this position.
30 This isn't for me. This is for the --
31 COMMISSIONER WAITS: No, I --
32 KEITH WESTENGARD: -- future of the county.
33 COMMISSIONER WAITS: -- I truly thought -- no, I -- I
34 understand that.
35 But I thought -- I -- I thought that the county manager NRS
36 was more restrictive for us.
37 KEITH WESTENGARD: I -- I believe that --
38 COMMISSIONER WAITS: And you're saying --
39 KEITH WESTENGARD: -- came from a past commission with a
40 past county manager, --

1 COMMISSIONER WAITS: That --
2 KEITH WESTENGARD: And it was a -- incorrect.
3 COMMISSIONER WAITS: That's -- that's true. It is all --
4 all past. So --
5 KEITH WESTENGARD: Yes. It also says -- the rest of the --
6 the ord- -- NRS 244.135. The county manager may with the
7 approval of the board of county commissioners appoint such
8 assistance and other employees as necessary to the proper
9 function- -- functioning of his or her office. The salaries of
10 such assistants and employees and other expenses of conducting
11 the office of the county manager shall be fixed and determined
12 by the county manager with the consent and approval of the board
13 of county commissioners.
14 COMMISSIONER WAITS: Well, we all do --
15 KEITH WESTENGARD: County commissioners set everything.
16 COMMISSIONER WAITS: We do that now.
17 KEITH WESTENGARD: But --
18 COMMISSIONER WAITS: But --
19 KEITH WESTENGARD: -- the -- the board of the previous
20 county commissioner did not take the authority that thi- -- that
21 the board has to put that person in line.
22 You have the -- this board has the ultimate authority to say,
23 yes, no, hit the road, whatever it may be.
24 You guys are the ultimate authority in this county.
25 COMMISSIONER WAITS: I wasn't questioning the authority. I
26 was que- --
27 KEITH WESTENGARD: I -- I'm just saying you -- you set --
28 you set the job requirements.
29 COMMISSIONER WAITS: Okay. I was questioning what we are
30 limited to because I haven't read it --
31 KEITH WESTENGARD: You --
32 COMMISSIONER WAITS: -- all --
33 KEITH WESTENGARD: -- you --
34 COMMISSIONER WAITS: -- yet.
35 KEITH WESTENGARD: -- you're not --
36 COMMISSIONER WAITS: So I'm --
37 KEITH WESTENGARD: -- limited.
38 COMMISSIONER WAITS: -- I'm looking to you, either -- I
39 mean, you can point out --
40 DISTRICT ATTORNEY HERRERA: Commissioner --

1 COMMISSIONER WAITS: -- what the difference is --
2 KEITH WESTENGARD: All right.
3 COMMISSIONER WAITS: -- between --
4 KEITH WESTENGARD: I didn't --
5 COMMISSIONER WAITS: -- a county --
6 KEITH WESTENGARD: -- mean --
7 COMMISSIONER WAITS: -- manager --
8 KEITH WESTENGARD: -- to get wordy.
9 COMMISSIONER WAITS: -- and county executive.
10 DISTRICT ATTORNEY HERRERA: He's still an at-will employee.
11 The -- even -- even though the -- the potential con- --
12 contract does not say that, but the statute says, under NRS
13 244.125, the county manager shall hold office at the pleasure of
14 the board of county commissioners and may be removed from office
15 by the board at any time.
16 So all your employees from your department that --
17 particularly the ones that -- that report directly to the
18 commission, are at-will employees.
19 COMMISSIONER WAITS: So --
20 COMMISSIONER ALLAN: This really --
21 COMMISSIONER WAITS: I'm sorry.
22 COMMISSIONER ALLAN: -- doesn't have anything to do with
23 the discussion -- is the reorganization.
24 DISTRICT ATTORNEY HERRERA: It's in the -- the contract
25 that's attached to it.
26 COMMISSIONER ALLAN: We're not discussing the contract yet.
27 We are discussing reorganization.
28 DISTRICT ATTORNEY HERRERA: I was asked as a -- a pertinent
29 question. And I'm telling her what the statute says,
30 Commissioner. I'm sorry, but she asked it. And I'm responding.
31 KEITH WESTENGARD: The bottom line here is that the
32 commission sets everything for this position. Whether it's the
33 executive director, whether it's the county manager, this board
34 sets it. Whether it's the head cook and bottle washer. That --
35 that's --
36 COMMISSIONER WAITS: Okay.
37 KEITH WESTENGARD: You guys set it. And you guys have the
38 authority to say yes or no or question whatever you need to
39 question.
40 COMMISSIONER WAITS: Okay. I -- my biggest question

1 legally is -- and -- and this is to Ted. So you don't see
2 any -- any difference between the executive director and the
3 county manager as far as authority, that's for sure.
4 But any -- anything else that would be pertinent in there of
5 why we wouldn't change it? Or do we need to do some more
6 research?
7 DISTRICT ATTORNEY HERRERA: I could do more research.
8 I -- I -- I don't --
9 COMMISSIONER WAITS: I mean, I'm -- I'm just coming from
10 past commissioners that are -- that were -- that were very,
11 very, you know --
12 DISTRICT ATTORNEY HERRERA: The -- the last --
13 COMMISSIONER WAITS: -- secure in the fact that we had an
14 executive director and not a county manager.
15 And I personally didn't do any of the research so I don't
16 know.
17 DISTRICT ATTORNEY HERRERA: I believe --
18 COMMISSIONER WAITS: So this is --
19 DISTRICT ATTORNEY HERRERA: -- the --
20 COMMISSIONER WAITS: I'm --
21 DISTRICT ATTORNEY HERRERA: -- last --
22 COMMISSIONER WAITS: -- apprehensive.
23 DISTRICT ATTORNEY HERRERA: I believe the last county
24 manager there was a contract.
25 Wasn't there a contract?
26 KEITH WESTENGARD: I don't think she had one. No.
27 COMMISSIONER WAITS: Bonnie Duke was a county manager, --
28 DISTRICT ATTORNEY HERRERA: Right. And --
29 COMMISSIONER WAITS: -- I know.
30 DISTRICT ATTORNEY HERRERA: She didn't have a contract be-
31 -- well, I -- she --
32 COMMISSIONER WAITS: But whether they have a contract or
33 not, they're still protected under the NRS.
34 DISTRICT ATTORNEY HERRERA: Well, they're -- they're
35 protected, but --
36 COMMISSIONER WAITS: But I'm -- they're all at-will. I
37 mean, we --
38 DISTRICT ATTORNEY HERRERA: They're --
39 COMMISSIONER WAITS: Yeah.
40 DISTRICT ATTORNEY HERRERA: It has to be at-will.

1 COMMISSIONER WAITS: And I understand that. So I didn't
2 know if that was the only reason.
3 DISTRICT ATTORNEY HERRERA: Well --
4 COMMISSIONER WAITS: Do you think we should take more time
5 while you look into this? Or are you okay with it?
6 DISTRICT ATTORNEY HERRERA: Well, I'm okay with the concept
7 of a county ma- -- county manager and a public works director.
8 That seems to be more efficient, and that's why Winnemucca went
9 to it after years too.
10 But it's --
11 COMMISSIONER BAKKER: Pretty much how we're operating now,
12 though.
13 DISTRICT ATTORNEY HERRERA: It's all -- it's basically how
14 we're operating now.
15 It all depends on the contract, Commissioner.
16 COMMISSIONER WAITS: Well, the contract is a whole
17 different world. I'm just going with names right now.
18 DISTRICT ATTORNEY HERRERA: Well, I'm just saying that --
19 that's where you put down everything you want or don't --
20 COMMISSIONER WAITS: Okay.
21 DISTRICT ATTORNEY HERRERA: -- want, in the contract.
22 COMMISSIONER WAITS: Okay.
23 DISTRICT ATTORNEY HERRERA: I'm trying to answer your
24 question.
25 That's how the county protects itself, with the contract.
26 COMMISSIONER WAITS: Okay.
27 DISTRICT ATTORNEY HERRERA: Not only does the employee get
28 protection -- it's my understanding these contracts that were
29 put in, they didn't go through my office. I had nothing to do
30 with them. I didn't even look at them before they went -- I --
31 I saw them when you --
32 COMMISSIONER WAITS: Okay.
33 DISTRICT ATTORNEY HERRERA: -- guys saw them.
34 COMMISSIONER WAITS: I'm -- as I said, I'm just going on
35 past history that they never wanted to do a county manager
36 again. So I'm very apprehensive about it.
37 But if the rest of you are comfortable with that name, then
38 that solves the problem with our safety director.
39 So --
40 COMMISSIONER BAKKER: Public works director.

1 DISTRICT ATTORNEY HERRERA: It --
2 COMMISSIONER BAKKER: But yeah.
3 DISTRICT ATTORNEY HERRERA: -- it -- I mean, I can --
4 COMMISSIONER WAITS: Okay.
5 DISTRICT ATTORNEY HERRERA: -- do --
6 COMMISSIONER BAKKER: Yeah, I --
7 DISTRICT ATTORNEY HERRERA: -- more --
8 COMMISSIONER BAKKER: -- got --
9 DISTRICT ATTORNEY HERRERA: -- research, --
10 COMMISSIONER BAKKER: I know what --
11 DISTRICT ATTORNEY HERRERA: -- but I --
12 COMMISSIONER BAKKER: -- you mean.
13 DISTRICT ATTORNEY HERRERA: -- I'm not aware off the top of
14 my --
15 COMMISSIONER WAITS: Okay.
16 DISTRICT ATTORNEY HERRERA: -- head of anything else that
17 you can't protect yourself with in the contract.
18 COMMISSIONER BAKKER: Okay.
19 Make a --
20 Well, anyway, let's take a stab at this one too.
21 I'll make a motion to redesign the organizational chart for
22 Lander County administrative offices to include -- well, we -- I
23 included the taxpayer last time -- taxpayer, commission, county
24 manager, and public works director and then their departments to
25 follow for the reorg chart and to request the Lander County
26 district attorney update the Lander County Code to comply with
27 hopefully the next action that's taken.
28 COMMISSIONER CLARK: Second.
29 CHAIRMAN MILLS: Okay. Sean made a motion. Art seconded.
30 Do we have any public comment?
31 (No comment.)
32 CHAIRMAN MILLS: All in --
33 COMMISSIONER BAKKER: Aye.
34 CHAIRMAN MILLS: -- favor?
35 COMMISSIONER BAKKER: Aye.
36 CHAIRMAN MILLS: Aye.
37 COMMISSIONER CLARK: Aye.
38 COMMISSIONER WAITS: Aye.
39 CHAIRMAN MILLS: Opposed?
40 COMMISSIONER ALLAN: Aye.

1 COMMISSIONER WAITS: Did do you get a vote?
2 COMMISSIONER BAKKER: She said --
3 COMMISSIONER ALLAN: I'm not --
4 COMMISSIONER BAKKER: -- aye.
5 COMMISSIONER ALLAN: -- opposing.
6 COMMISSIONER BAKKER: I will --
7 CHAIRMAN MILLS: You're not --
8 COMMISSIONER BAKKER: -- make a comment, --
9 CHAIRMAN MILLS: -- opposing?
10 COMMISSIONER BAKKER: -- though, as far --
11 CHAIRMAN MILLS: Okay -- just --
12 COMMISSIONER BAKKER: -- as --
13 CHAIRMAN MILLS: So for --
14 COMMISSIONER BAKKER: I need --
15 CHAIRMAN MILLS: -- the record --
16 COMMISSIONER BAKKER: -- to change --
17 CHAIRMAN MILLS: For the record, Judie voted aye, not --
18 not opposing.
19 COMMISSIONER ALLAN: I -- I am --
20 CHAIRMAN MILLS: So --
21 COMMISSIONER ALLAN: -- going with the motion. I would
22 like to see maybe something broken out. But I do think that
23 it's fine to have a county manager versus a executive director.
24 COMMISSIONER BAKKER: Now, this isn't part of the motion.
25 We already voted. But for directions and clarifications, that
26 doesn't mean job duties change or anything else changes. You
27 still will operate the county no differently than we have been,
28 whether you're the county manager, public works director, public
29 works supervisor, executive director.
30 Everything will operate the same and be handled how you've
31 been handling it.
32 DISTRICT ATTORNEY HERRERA: At the same salary.
33 COMMISSIONER BAKKER: I'm just putting it on the record.
34 KEITH WESTENGARD: I think the county's been running
35 pretty -- pretty good, smoothly, the way it is. We just wanted
36 to get the code and our org chart in line.
37 COMMISSIONER BAKKER: Yep.
38 CHAIRMAN MILLS: And I'd like to make my statement for the
39 record that I'm less concerned about the organization chart and
40 what we call people. I'm more concerned about having it in

1 place and then having our code match up with it.

2 That's -- that's my -- my main concern is the code matching
3 our organization.

4 DISTRICT ATTORNEY HERRERA: That's my main concern too,
5 Commissioner.

6 CHAIRMAN MILLS: So --

7 DISTRICT ATTORNEY HERRERA: That's -- that's all --

8 CHAIRMAN MILLS: And --

9 DISTRICT ATTORNEY HERRERA: I don't --

10 CHAIRMAN MILLS: -- we call --

11 DISTRICT ATTORNEY HERRERA: -- care --

12 CHAIRMAN MILLS: -- people --

13 DISTRICT ATTORNEY HERRERA: -- what --

14 CHAIRMAN MILLS: -- what --

15 DISTRICT ATTORNEY HERRERA: -- you guys --

16 CHAIRMAN MILLS: -- we want.

17 DISTRICT ATTORNEY HERRERA: -- do.

18 CHAIRMAN MILLS: I don't care about that stuff.

19 So --

20 JEANNE FALZONE: (Indiscernible.)

21 CHAIRMAN MILLS: Okay.

22
23 4) Discussion and possible action regarding an employment
24 contract for Keith Westengard, and all other matters properly
25 related thereto.
26

27 CHAIRMAN MILLS: Move on to Item Number 4.

28 COMMISSIONER BAKKER: Oy.

29 CHAIRMAN MILLS: Discussion and possible action regarding
30 an employment contract for Keith Westengard, and all other
31 matters properly related thereto.

32 KEITH WESTENGARD: So I've put a proposed contract in your
33 packets.

34 It does read executive director at the top because I wasn't
35 sure which way we were going to go.

36 COMMISSIONER CLARK: I don't -- I don't have that. It's
37 not in my book.

38 KEITH WESTENGARD: Oh.

39 COMMISSIONER CLARK: You have an -- a spare copy?

40 CHAIRMAN MILLS: There was -- there should have been one in

1 your --
2 KEITH WESTENGARD: To print out one.
3 CHAIRMAN MILLS: -- mailbox.
4 KEITH WESTENGARD: One for -- well, Bert's and mine, I
5 guess.
6 MATTHEW GOULD: I don't think --
7 COMMISSIONER CLARK: I have Bert's. Bert's is in there.
8 KEITH WESTENGARD: It is?
9 MATTHEW GOULD: Do you need just one?
10 COMMISSIONER CLARK: Yeah.
11 COMMISSIONER BAKKER: I don't have either.
12 COMMISSIONER CLARK: Independent, specifically for Bert in
13 the agenda.
14 CHAIRMAN MILLS: I think they were put in your mailbox.
15 DISTRICT ATTORNEY HERRERA: It's right there.
16 COMMISSIONER ALLAN: Art, it's basically the same thing,
17 just names --
18 COMMISSIONER WAITS: Except for the --
19 COMMISSIONER ALLAN: -- and amounts --
20 COMMISSIONER WAITS: -- name, they're --
21 COMMISSIONER ALLAN: -- changed.
22 COMMISSIONER WAITS: -- exactly the same.
23 KEITH WESTENGARD: All right.
24 COMMISSIONER CLARK: Thank you, --
25 MATTHEW GOULD: Here's my one copy..
26 COMMISSIONER CLARK: -- Keith.
27 KEITH WESTENGARD: Does any- -- anybody else need --
28 So this is a -- a proposed proposal for you.
29 I know there's been a whole lot of discussion about this
30 with the DA and several of you commissioners.
31 But this is for you to discuss. This is for you to make
32 changes, to throw it out, or to do with as you please.
33 COMMISSIONER WAITS: The first thing that I would on -- I
34 would like on the record is what kind of an employment contract
35 we have currently with our executive director, new county
36 manager.
37 And I thought we had a contract. And he tells me we do not.
38 DISTRICT ATTORNEY HERRERA: No.
39 COMMISSIONER WAITS: Because I -- I thought when we hired
40 department heads and -- and such that we did contracts.

1 So --
2 KEITH WESTENGARD: We give -- we give a 1- -- an offer
3 letter.
4 COMMISSIONER WAITS: Uh-huh.
5 KEITH WESTENGARD: But all that does is outline the salary,
6 for the most part, start date and so forth. So there --
7 COMMISSIONER WAITS: Well --
8 KEITH WESTENGARD: -- is no contract.
9 DISTRICT ATTORNEY HERRERA: Well, that is a contract, but
10 --
11 KEITH WESTENGARD: Well, but it doesn't get specific --
12 DISTRICT ATTORNEY HERRERA: Right.
13 KEITH WESTENGARD: -- like this does.
14 COMMISSIONER WAITS: Yes.
15 KEITH WESTENGARD: Thank you, Mr. --
16 COMMISSIONER WAITS: Thank you.
17 CHAIRMAN MILLS: And my --
18 KEITH WESTENGARD: -- Herrera.
19 CHAIRMAN MILLS: -- my understanding is --
20 COMMISSIONER WAITS: And --
21 CHAIRMAN MILLS: -- that in the past that sometimes we have
22 had contracts and sometimes we have not. And I don't know that
23 there's been a real consistency.
24 COMMISSIONER WAITS: Apparently -- apparently --
25 CHAIRMAN MILLS: Yeah.
26 COMMISSIONER WAITS: -- that is true. And that's a little
27 haphazardly.
28 So at -- at one point, I -- I would very much like us to
29 see us do this for an employment agreement. And I think that's
30 very important.
31 So, with that, then, we can discuss today's.
32 COMMISSIONER ALLAN: One of the things that I think we
33 should consider, compromise, possibly, is under compensation,
34 I'm -- I'm fine with most of it. Although, I'd like to see
35 instead of "shall receive a 5 percent increase in salary for
36 each subsequent year worked" that we could put up to 5 percent,
37 that during evaluations we could -- could negotiate on -- on the
38 percentage amount.
39 It's -- I really don't want to get locked into an automatic
40 5 percent because who knows --

1 COMMISSIONER WAITS: It -- it goes --
2 COMMISSIONER ALLAN: -- how --
3 COMMISSIONER WAITS: -- without --
4 CHAIRMAN MILLS: Yeah.
5 COMMISSIONER WAITS: -- saying.
6 CHAIRMAN MILLS: That's -- we under- --
7 COMMISSIONER ALLAN: Yeah. Who knows --
8 COMMISSIONER WAITS: We understand.
9 COMMISSIONER ALLAN: -- how -- how things are going to go.
10 I mean, it's --
11 CHAIRMAN MILLS: That's --
12 COMMISSIONER ALLAN: -- not --
13 CHAIRMAN MILLS: -- understandable.
14 COMMISSIONER ALLAN: -- not, --
15 COMMISSIONER WAITS: Okay.
16 COMMISSIONER ALLAN: -- you know, economically-wise.
17 COMMISSIONER WAITS: Okay.
18 I -- I have a real problem with the c- -- the contact -- with
19 the contract the way it is.
20 Currently, it certainly is security. There's no question.
21 However, I just can't see our board making this type of a
22 commitment to an at-will employee for four years. And that --
23 that bothers me considerably.
24 I mean, that's much longer than any of us may even be here.
25 I mean, for sure Judie and I will be here for two more years.
26 But -- but even then, we're committing the whole county to a -- a
27 very important position and all the future commissioners that will
28 follow us with not much of a choice.
29 And if they do make the choice, the way that this is
30 written -- well, if -- if they just decide they're unhappy with
31 an executive director or a county manager's performance, they
32 most certainly can let him go.
33 However, there's a 12 months' severance pay or equivalency of
34 that plus vacation, et cetera, et cetera.
35 I think that's rather strong. I think that really is job
36 security for the most part.
37 And the other part is that even if we terminate for cause,
38 for just cause, which means there's something very definitely
39 wrong, but that we do need to terminate them. And it -- it's
40 spelled out what it means. It's commission of a felony, a crime

1 inv- -- involving moral turpitude, dishonesty, participation in a
2 fraud act, whatever. Okay. It's just cause.

3 Even if we let that person go for just cause, it says here
4 in 2.3 that as long as they are willing and able to perform the
5 duties, then we still owe 12 months' severance pay.

6 And -- and I certainly -- if -- if something somebody is
7 let -- let go for just cause, I don't think there should be any
8 severance pay, first of all.

9 I mean, that's -- that's a done deal.

10 If we decide to let somebody go, I think we need a
11 severance pay, as most top positions carry. But I don't think
12 it needs to be a full year.

13 And I don't think I can -- in good conscience -- can conform
14 to anything to lock in four years as security for a job position
15 that -- that's speaking to the future.

16 I -- I think -- I think that's real tenure. And I think if
17 we wanted tenure, we might think about being a school teacher in a
18 profession where you can accumulate your job protection.

19 But, otherwise, I can't see it for a county. I don't think
20 that's something, as a commissioner, I should be doing.

21 CHAIRMAN MILLS: Okay. So I -- what I'm hearing is that
22 there's basically four objections to the contract as it is.

23 One is the length of term of the contract, the four-year
24 period; the 12-month severance, even if it's for just cause; and
25 the -- the -- the whole just cause part of it; and then the -- the
26 "shall receive 5 percent increase." I'm hearing it would -- a
27 preference would be for up to 5 percent.

28 COMMISSIONER WAITS: I -- I have another problem too.

29 CHAIRMAN MILLS: Okay. Another problem. What is it?

30 COMMISSIONER WAITS: And the other problem I have is 9.2,
31 employee may hold a job with another organization and/or
32 business as long as he or she performs their job
33 responsibilities. And -- and I think -- I -- I --

34 COMMISSIONER CLARK: You're --

35 COMMISSIONER WAITS: -- want the --

36 COMMISSIONER CLARK: -- you're either working here or
37 you're not.

38 COMMISSIONER WAITS: I think it's plenty. And -- and --
39 and I think probably --

40 COMMISSIONER ALLAN: So -- okay.

1 COMMISSIONER WAITS: -- any employee would say that once
2 they were employed here. But I don't like that --
3 COMMISSIONER CLARK: Yeah.
4 COMMISSIONER WAITS: -- that latitude in there at all.
5 COMMISSIONER ALLAN: But, Patsy, I think our county
6 policies actually address that; don't they?
7 That -- isn't there something in the county policies that
8 you -- you could have 50 jobs, if you want, as long as it doesn't
9 compromise Lander County?
10 I mean, we can't exactly tell a -- tell another employee they
11 can't go get a part-time job somewhere.
12 COMMISSIONER CLARK: Well --
13 COMMISSIONER ALLAN: That's --
14 COMMISSIONER WAITS: I think we can. We can s- -- we're
15 saying it under contract.
16 DISTRICT ATTORNEY HERRERA: You can --
17 COMMISSIONER WAITS: And I --
18 DISTRICT ATTORNEY HERRERA: -- do --
19 COMMISSIONER WAITS: -- think we can.
20 DISTRICT ATTORNEY HERRERA: -- a period.
21 COMMISSIONER CLARK: You're -- you're --
22 COMMISSIONER ALLAN: Well, --
23 COMMISSIONER CLARK: -- saying --
24 COMMISSIONER ALLAN: -- if they sign the contract, they're
25 agreeing to it. But I -- I don't know as where that would be
26 such an issue.
27 DISTRICT ATTORNEY HERRERA: Commissioner, --
28 COMMISSIONER ALLAN: But --
29 DISTRICT ATTORNEY HERRERA: -- I will --
30 COMMISSIONER ALLAN: -- it's --
31 DISTRICT ATTORNEY HERRERA: -- point -- I will point out
32 one thing and that is that the contract needs to have an at-will
33 clause in it by law or it's void.
34 CHAIRMAN MILLS: Doesn't an at-will clause just negate the
35 contract?
36 DISTRICT ATTORNEY HERRERA: No. Because of the statute, as
37 I read it to you, says that -- that they serve at the pleasure
38 of the board of county commissioners. That's at-will.
39 Now you can -- as long as you -- you comply with the
40 statute and put "This employment is at-will," you can certainly

1 put, but he can only be fired for just cause. Or if he's not
2 for just cause, then he gets -- like Winnemucca has a 3 months'
3 severance package. If they want to get rid of their county
4 manager without just cause, they get 3 months' severance
5 package. And if they get rid of the county manager for just
6 cause, they get no severance

7 COMMISSIONER ALLAN: Counselor, where did this contract
8 come from?

9 DISTRICT ATTORNEY HERRERA: The -- the one in front of you?

10 COMMISSIONER ALLAN: Yes.

11 DISTRICT ATTORNEY HERRERA: I have no idea. It was not --
12 I will repeat, it was not submitted to my office.

13 COMMISSIONER ALLAN: So, I guess, in -- in that light, I
14 would like to see our -- our legal draft a contract.

15 We can discuss what we'd like to see in it, but I definitely
16 would like to see something come from our legal department.

17 And -- and I also, as Ted mentioned, certainly if there's
18 just cause, there should not be a severance. I mean, if you --

19 I don't have issue with, you know, evaluations or whatever,
20 and we decide that things aren't working out, yes, we can have a
21 severance.

22 But if there's just cause, why should the county be -- be
23 liable to pay this employee when they've, you know, violated the
24 law?

25 I'm all for the protection, but we've got to have a little
26 bit of protection for the county as well.

27 DISTRICT ATTORNEY HERRERA: I would agree. Legally, I
28 would agree with that position.

29 COMMISSIONER ALLAN: You know, if we just want to get rid
30 of somebody at will, fine, pay them off.

31 DISTRICT ATTORNEY HERRERA: Yeah.

32 COMMISSIONER ALLAN: But --

33 COMMISSIONER WAITS: Okay. So if -- if everybody's in
34 agreement that we still should have a -- have a contract and we
35 need to go back to the drawing board on this one and run it
36 through our legal adviser and -- and bring that back, is that
37 something that you're comfortable with?

38 CHAIRMAN MILLS: I was -- I was kind of hoping that if we
39 could resolve these points, we could just move forward. But --

40 COMMISSIONER ALLAN: I'm not comfortable with, you know,

1 having a contract that wasn't drafted within the county and our
2 legal not having the opportunity to review it. And --
3 CHAIRMAN MILLS: Well, is it -- isn't it still -- it's a
4 legal contract.
5 DISTRICT ATTORNEY HERRERA: It -- not --
6 CHAIRMAN MILLS: It's not a --
7 DISTRICT ATTORNEY HERRERA: It's void.
8 CHAIRMAN MILLS: -- legal contract?
9 DISTRICT ATTORNEY HERRERA: No.
10 CHAIRMAN MILLS: Pardon me?
11 DISTRICT ATTORNEY HERRERA: No. There's no --
12 CHAIRMAN MILLS: You said it's not -- it's not -- it's -- I
13 missed the part you said.
14 DISTRICT ATTORNEY HERRERA: There's no at-will clause.
15 CHAIRMAN MILLS: Okay. So you're saying the at-will clause
16 is a requirement for the contract?
17 DISTRICT ATTORNEY HERRERA: Yeah. I'll read it again. It's
18 only one line.
19 NRS 244.125, Subsection 2. The county manager shall hold
20 office at the pleasure of the board of county commissioners and
21 may be removed from office by the board at any time.
22 That is at will.
23 COMMISSIONER WAITS: And that is in our ordinance under
24 executive director. That is.
25 DISTRICT ATTORNEY HERRERA: Yes.
26 COMMISSIONER WAITS: But we just moved him from executive
27 director --
28 COMMISSIONER ALLAN: Well, --
29 COMMISSIONER WAITS: -- to --
30 COMMISSIONER ALLAN: -- but we are changing the ordinance.
31 CHAIRMAN MILLS: Yeah.
32 COMMISSIONER WAITS: -- county manager.
33 CHAIRMAN MILLS: We could change --
34 COMMISSIONER WAITS: So --
35 CHAIRMAN MILLS: -- the name, but I --
36 COMMISSIONER WAITS: I'd --
37 CHAIRMAN MILLS: -- don't --
38 COMMISSIONER WAITS: Yeah. I'd like to see us go back. I
39 mean, you can -- we can straighten out what you might like in it
40 But I think the whole contract needs to go back.

1 But if you have some --
2 CHAIRMAN MILLS: I don't --
3 COMMISSIONER WAITS: -- points you want to talk about --
4 CHAIRMAN MILLS: So before we do that, I would say, can --
5 can we try and -- because instead of having it go back to our
6 legal and then have these same points come back for us, can we
7 discuss these points today and resolve them now?
8 COMMISSIONER ALLAN: Absolutely.
9 COMMISSIONER WAITS: Abs- -- yeah.
10 CHAIRMAN MILLS: And then -- and then --
11 COMMISSIONER WAITS: We -- we can have this conversation,
12 of course.
13 CHAIRMAN MILLS: Okay. Because I don't want to -- I don't
14 want to do this two or three times, if you know what I mean.
15 COMMISSIONER WAITS: I -- I do.
16 CHAIRMAN MILLS: I don't want agen- -- I don't want to
17 agendize it a bunch of times.
18 COMMISSIONER WAITS: Well, I think we've all expressed --
19 CHAIRMAN MILLS: So --
20 COMMISSIONER WAITS: -- things. But the -- but we need for
21 the rest of the people to see what -- what they think about what
22 we've expressed.
23 CHAIRMAN MILLS: Right.
24 COMMISSIONER WAITS: Okay.
25 CHAIRMAN MILLS: So we're -- we're back to the -- the --
26 the main objections so far: a four-year contract, a 12-months'
27 severance, the -- defining just cause, holding another job, and
28 then --
29 DISTRICT ATTORNEY HERRERA: At-will.
30 CHAIRMAN MILLS: -- at-will.
31 COMMISSIONER CLARK: And the salary up to 5 percent.
32 CHAIRMAN MILLS: Oh. Up to -- yeah. Up to 5 percent.
33 COMMISSIONER ALLAN: Now --
34 CHAIRMAN MILLS: So do you have any input, Keith, on this
35 that you want to make? Or --
36 KEITH WESTENGARD: Nope. I'm -- this is up to the board.
37 CHAIRMAN MILLS: Okay.
38 COMMISSIONER CLARK: Well, I have --
39 KEITH WESTENGARD: Because this will affect -- it's going
40 to affect the future --

1 CHAIRMAN MILLS: Right.
2 KEITH WESTENGARD: -- position more than it's going to
3 affect me.
4 COMMISSIONER CLARK: I -- I've got a question. On your
5 personal days and your sick and disability leave, health
6 insurance, and retirement, that's all the same as far as how
7 many hours you accumulate?
8 KEITH WESTENGARD: Oh, yeah. The -- the hours of
9 accumulation --
10 COMMISSIONER CLARK: Okay.
11 KEITH WESTENGARD: -- stay the same.
12 COMMISSIONER CLARK: There's no extra?
13 KEITH WESTENGARD: No.
14 COMMISSIONER CLARK: Okay.
15 KEITH WESTENGARD: They -- they are the same based on your
16 years in the county.
17 COMMISSIONER BAKKER: Now should we open up public too?
18 COMMISSIONER WAITS: They're the same as our current sick
19 leave is what you're saying? Or -- or does this --
20 KEITH WESTENGARD: The -- the --
21 COMMISSIONER BAKKER: Ask him if he --
22 KEITH WESTENGARD: -- accumulation --
23 COMMISSIONER BAKKER: -- has --
24 KEITH WESTENGARD: -- is --
25 COMMISSIONER BAKKER: -- any --
26 KEITH WESTENGARD: -- so- --
27 COMMISSIONER BAKKER: -- comments.
28 KEITH WESTENGARD: You have so many --
29 COMMISSIONER WAITS: The accumulation --
30 KEITH WESTENGARD: -- years --
31 COMMISSIONER WAITS: -- is the --
32 COMMISSIONER CLARK: It's all the same.
33 COMMISSIONER WAITS: -- same.
34 KEITH WESTENGARD: -- and so many hours --
35 COMMISSIONER BAKKER: Ask him if --
36 KEITH WESTENGARD: -- of vacation.
37 COMMISSIONER BAKKER: -- they have any comments.
38 COMMISSIONER WAITS: Okay.
39 KEITH WESTENGARD: And he gets so many hours of sick leave.
40 COMMISSIONER WAITS: Okay.

1 DISTRICT ATTORNEY HERRERA: I believe the --
2 COMMISSIONER WAITS: Thank you.
3 DISTRICT ATTORNEY HERRERA: -- insurance, it changes --
4 CHAIRMAN MILLS: From Bert?
5 DISTRICT ATTORNEY HERRERA: -- the insurance, I believe.
6 KEITH WESTENGARD: It shouldn't change the insurance.
7 CHAIRMAN MILLS: Do you want to do his separate?
8 DISTRICT ATTORNEY HERRERA: Oh. Do they --
9 COMMISSIONER BAKKER: Yeah.
10 DISTRICT ATTORNEY HERRERA: -- pay all of your insurance?
11 COMMISSIONER ALLAN: Doug?
12 KEITH WESTENGARD: Well, all --
13 COMMISSIONER ALLAN: I think that --
14 KEITH WESTENGARD: -- but \$60 or --
15 CHAIRMAN MILLS: Huh?
16 COMMISSIONER ALLAN: I said --
17 KEITH WESTENGARD: -- \$120 --
18 COMMISSIONER ALLAN: -- I don't agree with --
19 KEITH WESTENGARD: -- a month.
20 COMMISSIONER ALLAN: -- that. I think we should stick with
21 --
22 DISTRICT ATTORNEY HERRERA: Well, this --
23 COMMISSIONER ALLAN: -- one item.
24 DISTRICT ATTORNEY HERRERA: -- says they pay it all.
25 CHAIRMAN MILLS: Oh, yeah.
26 KEITH WESTENGARD: Okay. So --
27 DISTRICT ATTORNEY HERRERA: So there's a --
28 KEITH WESTENGARD: All right.
29 DISTRICT ATTORNEY HERRERA: -- slight -- I'm not --
30 KEITH WESTENGARD: So yeah.
31 DISTRICT ATTORNEY HERRERA: -- trying to be --
32 KEITH WESTENGARD: No, I know -- I know --
33 DISTRICT ATTORNEY HERRERA: It --
34 COMMISSIONER ALLAN: So --
35 DISTRICT ATTORNEY HERRERA: They asked a question: What's
36 changed? The insurance changed slightly. Because under the
37 contract that he put in, it -- it's that the county pays 100
38 percent of the insurance.
39 KEITH WESTENGARD: So that can be fixed --
40 CHAIRMAN MILLS: For --

1 KEITH WESTENGARD: -- to a hundred --
2 CHAIRMAN MILLS: -- the --
3 KEITH WESTENGARD: -- and --
4 CHAIRMAN MILLS: -- employee --
5 KEITH WESTENGARD: -- twenty dollars --
6 CHAIRMAN MILLS: -- insurance?
7 KEITH WESTENGARD: -- a month.
8 CHAIRMAN MILLS: Or --
9 DISTRICT ATTORNEY HERRERA: Yes.
10 KEITH WESTENGARD: Oh, it -- we do pay -- the county
11 does --
12 CHAIRMAN MILLS: We're doing --
13 KEITH WESTENGARD: -- pay --
14 CHAIRMAN MILLS: -- that.
15 COMMISSIONER CLARK: We pay --
16 KEITH WESTENGARD: -- a hundred percent --
17 COMMISSIONER WAITS: We -- we do --
18 KEITH WESTENGARD: -- of the --
19 COMMISSIONER WAITS: -- that now.
20 KEITH WESTENGARD: -- (indiscernible) the employee --
21 COMMISSIONER ALLAN: I think it's on --
22 KEITH WESTENGARD: -- insurance.
23 COMMISSIONER ALLAN: -- a sick --
24 DISTRICT ATTORNEY HERRERA: Yeah.
25 COMMISSIONER ALLAN: -- leave is --
26 DISTRICT ATTORNEY HERRERA: But -- but it's --
27 COMMISSIONER ALLAN: -- when -- when you -- right now, with
28 sick leave, if you -- you leave the county, we pay a portion.
29 You -- you -- you are reimbursed a portion of your sick leave.
30 And under this, it would be a hundred percent of your sick
31 leave. Is that --
32 KEITH WESTENGARD: So -- oh. Go ahead.
33 COMMISSIONER WAITS: I -- I think -- but you have to be
34 here so many years; isn't that correct, --
35 COMMISSIONER ALLAN: Right.
36 COMMISSIONER WAITS: -- Cindy? What -- what --
37 CINDY BENSON: The way it is in the union contract, you
38 have to be --
39 COMMISSIONER WAITS: Oh, I'm sorry. You need to identify
40 yourself --

1 CINDY BENSON: Sorry.
2 COMMISSIONER WAITS: -- for me.
3 Yeah. Because you don't get all of it unless you've been
4 here -- what? -- like, 15 years or something.
5 KEITH WESTENGARD: Yeah.
6 COMMISSIONER ALLAN: Right.
7 KEITH WESTENGARD: (Indiscernible) employee.
8
9 (Commissioner Clark left commissioner chambers.)
10
11 CINDY BENSON: Cindy Benson, for the record.
12 In the union contract, you have to be an employee
13 consecutively for 15 years before --
14 And you have to be in a retiring status in order to be paid
15 out any of your sick leave.
16 And it's not for the amount of what it would be per hour.
17 It's like if you get paid -- if you go for a payout, you can't
18 receive more than 5,000.
19 If you opt for the insurance or for paid -- or PERS to be
20 paid, then I believe it's 16,000 something, up to that amount, if
21 you have that in your bank.
22 COMMISSIONER WAITS: So you could put in that the sick
23 leave accumulation and payout would be the same as other
24 employees, something like that, unless you wanted to give more.
25 Okay.
26 CINDY BENSON: Thank you.
27 COMMISSIONER WAITS: Thank you.
28 COMMISSIONER ALLAN: So I'm going to throw a wrench into
29 all of this.
30 COMMISSIONER WAITS: Oh.
31 COMMISSIONER ALLAN: Just a question. Just throwing it out
32 there.
33 Is do we want to -- want to have a sliding scale on a
34 severance? Or do we just want to just stick with a full year's --
35 CHAIRMAN MILLS: I think that becomes too complicated.
36
37 (Commissioner Clark returned to chambers.)
38
39 COMMISSIONER ALLAN: Well, and that's why I said throwing a
40 wrench into it is --

1 Okay.
2 CHAIRMAN MILLS: Yeah.
3 COMMISSIONER ALLAN: That was --
4 CHAIRMAN MILLS: That's --
5 COMMISSIONER ALLAN: Like I said, I just put it out there.
6 CHAIRMAN MILLS: Okay.
7 So how would you like to proceed?
8 Start with the -- with the up to five W-- or the "shall
9 receive 5 percent"?
10 COMMISSIONER ALLAN: Up to.
11 CHAIRMAN MILLS: Is it "shall" or -- or "up to"?
12 COMMISSIONER BAKKER: Up to.
13 COMMISSIONER ALLAN: Shall receive up to --
14 DISTRICT ATTORNEY HERRERA: Would that be based on their
15 evaluation?
16 COMMISSIONER ALLAN: Based --
17 COMMISSIONER CLARK: I would --
18 COMMISSIONER ALLAN: -- on --
19 COMMISSIONER CLARK: -- I --
20 COMMISSIONER ALLAN: -- our --
21 COMMISSIONER CLARK: -- I think it should be may receive up
22 to a 5 percent increase in salary, dependent on the evaluation.
23 That's --
24 COMMISSIONER ALLAN: Okay.
25 COMMISSIONER CLARK: -- kind of --
26 COMMISSIONER ALLAN: Yeah.
27 COMMISSIONER CLARK: -- standard.
28 DISTRICT ATTORNEY HERRERA: Yeah.
29 CHAIRMAN MILLS: Okay. Sounds like we're all pretty
30 consistent on that one.
31 The four-year contract? And this one -- this one's one
32 that's -- I mean, you can toss it back and forth.
33 I know when we -- when we got the new commission and Ted
34 came into office, we had a lot of discussion about contracts
35 and -- and having contracts that didn't exceed the term of the
36 commissioners.
37 I think four years is -- I guess you could count that as
38 within that.
39 DISTRICT ATTORNEY HERRERA: Technically, you can. It --
40 it's, like -- that's why Winnemucca has a three-year contract --

1 CHAIRMAN MILLS: Right.
2 DISTRICT ATTORNEY HERRERA: -- to make sure that --
3 CHAIRMAN MILLS: So there's -- it's always within --
4 DISTRICT ATTORNEY HERRERA: Yeah.
5 CHAIRMAN MILLS: -- the commissioners' --
6 COMMISSIONER ALLAN: Do we --
7 CHAIRMAN MILLS: -- contract.
8 COMMISSIONER ALLAN: -- want to go two years, maybe?
9 DISTRICT ATTORNEY HERRERA: You can go -- you can go one
10 year, two year, three year.
11 CHAIRMAN MILLS: I don't --
12 One -- one's --
13 COMMISSIONER ALLAN: One's kind of pointless.
14 DISTRICT ATTORNEY HERRERA: It is.
15 CHAIRMAN MILLS: One's pointless.
16 DISTRICT ATTORNEY HERRERA: I would --
17 COMMISSIONER ALLAN: Two --
18 DISTRICT ATTORNEY HERRERA: -- agree.
19 COMMISSIONER ALLAN: -- years gives -- gives a new
20 commission the opportunity to voice their opinion on something.
21 So it's --
22 CHAIRMAN MILLS: But I --
23 COMMISSIONER ALLAN: -- on --
24 CHAIRMAN MILLS: -- think --
25 COMMISSIONER ALLAN: -- a rotation..
26 CHAIRMAN MILLS: If you -- if -- if we ever were to get a
27 new county manager, in two years they're just starting to learn
28 the job.
29 DISTRICT ATTORNEY HERRERA: Right. No, (indiscernible) --
30 COMMISSIONER ALLAN: Well --
31 CHAIRMAN MILLS: So they're just -- they're just getting in
32 -- they're just getting kind of going at that point. So I --
33 I'm --
34 COMMISSIONER ALLAN: Well --
35 CHAIRMAN MILLS: -- I'm thinking probably -- I like the
36 three-year idea.
37 DISTRICT ATTORNEY HERRERA: Three years is a good number
38 because it -- it -- well, it doesn't matter to me, I mean, --
39 CHAIRMAN MILLS: Right.
40 DISTRICT ATTORNEY HERRERA: -- legally what -- what you

1 guys do, but --
2 COMMISSIONER BAKKER: Three years sounds good.
3 DISTRICT ATTORNEY HERRERA: Four is -- is kind of a -- kind
4 -- it's kind of too long considering that the commissioners, how
5 they stagger.
6 COMMISSIONER ALLAN: The ro- -- stagger. Yeah.
7 DISTRICT ATTORNEY HERRERA: Yeah.
8 COMMISSIONER ALLAN: And that's why I was just thinking
9 too. Because --
10 COMMISSIONER WAITS: If you're really --
11 CHAIRMAN MILLS: Yeah.
12 COMMISSIONER WAITS: -- unhappy at the end of the second
13 year, well, I mean, you're going to know. It's not a surprise.
14 CHAIRMAN MILLS: Well, you're probably --
15 COMMISSIONER WAITS: You're --
16 CHAIRMAN MILLS: -- going to know --
17 COMMISSIONER WAITS: -- unhappy --
18 CHAIRMAN MILLS: -- before that --
19 COMMISSIONER WAITS: -- and --
20 CHAIRMAN MILLS: -- anyway.
21 COMMISSIONER WAITS: -- you're waiting --
22 CHAIRMAN MILLS: But --
23 COMMISSIONER WAITS: -- for that second year to be over
24 with, then that gives you an opportunity.
25 We've had, you know --
26 And -- and -- and I'll -- let's say it for the record, I
27 am -- I am -- have always given good evaluations because I'm
28 extremely pleased with the way our executive director handles
29 this and what's been going on. And I certainly don't want to
30 lose him.
31 But if I'm looking at somebody new, we've had our history
32 where we had to buy out people. We did. We -- we were unhappy.
33 And so two years, I think, is -- is -- is a real reasonable
34 time. To get stuck with them that third year sometimes when you
35 know right off the bat, you know, it's really hard.
36 So I'm -- I'm in favor of the two.
37 I mean, if there is a good one, hopefully they're going to
38 stay forever. That's the whole point. We have wonderful benefits
39 for staying. And we want to reward those.
40 And -- and I think the county has excellent benefits for

1 all kinds of our employees. Look at some of --
2 CHAIRMAN MILLS: Right.
3 COMMISSIONER WAITS: -- these buyouts and things. You
4 retire and you can -- can take your va- -- your sick pay and --
5 and -- and buy more insurance and put it back in for all kinds
6 of things. I think it's wonderful.
7 But if it isn't a -- if it isn't a mesh, then we shouldn't be
8 stuck with somebody we don't care for.
9 CHAIRMAN MILLS: No, I think -- I th- -- still kind of like
10 the three-year contract because it's a good hiring incentive.
11 I don't know that two years is really --
12 COMMISSIONER ALLAN: Well, yeah, but --
13 CHAIRMAN MILLS: -- enough.
14 COMMISSIONER ALLAN: -- I mean, I'm not arguing either way
15 here. I'm just saying that you're kind of looking at it as a
16 good hiring incentive.
17 I don't want to hire anybody. I, you know, want what we
18 have. I mean, it's working. It's good.
19 CHAIRMAN MILLS: Well --
20 COMMISSIONER ALLAN: And -- and if we --
21 CHAIRMAN MILLS: Just trying to -- just trying to look into
22 the future here, because --
23 COMMISSIONER ALLAN: Well, I realize that. It's just --
24 CHAIRMAN MILLS: -- things always --
25 COMMISSIONER WAITS: Okay.
26 CHAIRMAN MILLS: -- change.
27 COMMISSIONER WAITS: So we'll change it in the future.
28 COMMISSIONER ALLAN: We can always --
29 CHAIRMAN MILLS: Well, that's --
30 COMMISSIONER ALLAN: -- change it in the --
31 CHAIRMAN MILLS: You could, --
32 COMMISSIONER ALLAN: -- future.
33 CHAIRMAN MILLS: -- I guess. Yeah.
34 COMMISSIONER ALLAN: Yeah. I mean, that's just it is --
35 COMMISSIONER WAITS: This is a brand-new one sitting before
36 me. I'm not going to go --
37 COMMISSIONER CLARK: If you -- if you're not liking the
38 three- --
39 COMMISSIONER WAITS: -- two years.
40 COMMISSIONER CLARK: -- -year, --

1 COMMISSIONER WAITS: Yep.
2 COMMISSIONER CLARK: -- you could put something in there --
3 COMMISSIONER WAITS: That's right.
4 COMMISSIONER CLARK: -- about successful evaluations.
5 That -- that's --
6 COMMISSIONER ALLAN: Well, that's just it is -- is if we do
7 have to hire a new person, we can draft a new contract --
8 CHAIRMAN MILLS: Yeah. That can always --
9 COMMISSIONER ALLAN: -- to change.
10 CHAIRMAN MILLS: -- happen.
11 COMMISSIONER BAKKER: Art, do you --
12 COMMISSIONER ALLAN: So --
13 COMMISSIONER BAKKER: -- want a three-year or a two-year?
14 COMMISSIONER CLARK: Well, what I was trying to say was if
15 you went with three years -- and Patsy brought up teachers so I
16 know a little bit about that -- if you went with three years,
17 you could put in there, must have successful evaluations and how
18 many. So if you don't have a successful evaluation in three
19 years, how much does that count?
20 Two out of three unsuccessful, then -- then you're gone?
21 I mean, there's a lot of play room there with -- with this
22 language.
23 COMMISSIONER WAITS: There is too when you try and -- and
24 use the description of what is a successful evaluation.
25 COMMISSIONER CLARK: Well, a --
26 CHAIRMAN MILLS: That's true.
27 COMMISSIONER CLARK: -- successful evaluation is -- with
28 the forms that we use, I think it's the number of points.
29 COMMISSIONER WAITS: Would an average be successful? Just
30 below average, unsuccessful? Is that what you're saying?
31 COMMISSIONER CLARK: Well, that all gets --
32 COMMISSIONER WAITS: Okay.
33 COMMISSIONER CLARK: -- determined, Patsy. I -- I -- I've
34 done that. I did that for years.
35 I mean, you know, you can make it as complicated or as easy
36 as you --
37 COMMISSIONER WAITS: Okay.
38 COMMISSIONER CLARK: -- want.
39 COMMISSIONER WAITS: But what I'm saying is, we're dealing
40 with contracts. And contracts can always be l- -- legally

1 disputed.

2 So if we say it's based on a successful evaluation, which I

3 think is great, would you say a majority of --

4 COMMISSIONER CLARK: Well, --

5 COMMISSIONER WAITS: -- of --

6 COMMISSIONER CLARK: -- successful evaluation would be

7 three-out-of-five vote for successful evaluation.

8 COMMISSIONER WAITS: Okay.

9 COMMISSIONER CLARK: That's pretty simple.

10 And if you want to say you missed -- you have two

11 unsatisfactory evaluations out of three, you're gene.

12 COMMISSIONER WAITS: I -- I think that should be done.

13 Because if somebody just loses their job and said it was -- it

14 was based on -- or -- or their 5 percent increase as it was

15 based on a successful evaluation and two of us gave successful

16 and three didn't, that's a court of law that's going to

17 determine that.

18 So if you think it's a majority of commissioners, then

19 that's what we should spell out.

20 COMMISSIONER CLARK: For successful or unsuccessful? Yeah.

21 COMMISSIONER WAITS: Yeah.

22 COMMISSIONER CLARK: I would say that it would be the

23 majority.

24 COMMISSIONER WAITS: Then it should be spelled out. That's

25 what I'm saying.

26 COMMISSIONER ALLAN: So we -- we kind of started out with

27 term here, and now we're talking about evaluations. Did -- did

28 we -- have we settled on a length of the contract?

29 Because, you know, you -- discussing the raise, maybe up to

30 5 percent. And that will be determined by the evaluations.

31 But --

32 And also at an evaluation at that point, you can choose to

33 maintain the service of the employee or not. But if you don't,

34 that's where your severance comes in.

35 So I -- I --

36 COMMISSIONER WAITS: The -- the only thing that -- that's

37 predicated on the successful evaluation is the 5 percent

38 increase.

39 COMMISSIONER ALLAN: Okay. So that kind of got off on --

40 COMMISSIONER WAITS: Right?

1 COMMISSIONER ALLAN: -- a different --
2 CHAIRMAN MILLS: Right.
3 COMMISSIONER ALLAN: -- tangent because we were -- we
4 were --
5 COMMISSIONER WAITS: Right?
6 COMMISSIONER ALLAN: -- discussing --
7 COMMISSIONER WAITS: I mean, we're --
8 COMMISSIONER ALLAN: -- the --
9 COMMISSIONER WAITS: -- we're not --
10 COMMISSIONER ALLAN: -- term of the contract, the --
11 COMMISSIONER WAITS: Yeah.
12 COMMISSIONER ALLAN: -- the length of years. And then it
13 got into --
14 COMMISSIONER WAITS: Okay.
15 COMMISSIONER ALLAN: -- successful evaluations.
16 COMMISSIONER WAITS: Okay. So --
17 COMMISSIONER ALLAN: So we're still on term.
18 How long? Two? Three? Four? Ten?
19 CHAIRMAN MILLS: I'm still on three.
20 COMMISSIONER BAKKER: Me too.
21 It sounds like Art is too.
22 COMMISSIONER ALLAN: Well, maybe Art will speak for
23 himself.
24 COMMISSIONER CLARK: You read me correctly there,
25 Commissioner.
26 COMMISSIONER BAKKER: I know I did because I heard you loud
27 and clear when you spoke for yourself.
28 COMMISSIONER ALLAN: And there you have it.
29 CHAIRMAN MILLS: Okay. Let's move --
30 COMMISSIONER CLARK: Just had to hear you say it again, I
31 guess.
32 CHAIRMAN MILLS: Let's move on to the severance.
33 COMMISSIONER ALLAN: I don't think anybody said much about
34 it.
35 CHAIRMAN MILLS: Twelve months' severance? Different
36 amounts for different situations?
37 COMMISSIONER WAITS: I think none for the just cause, as I
38 pointed out to begin with. And -- and --
39 CHAIRMAN MILLS: Yeah.
40 COMMISSIONER WAITS: -- Commissioner Allen agreed with me.

1 I just can't see that one at all. That should be zip if we ever
2 have somebody in that kind of a situation and we decide to let
3 them go.
4 COMMISSIONER CLARK: They're -- if they're let go for just
5 cause, then they lose? No, they don't get any --
6 COMMISSIONER WAITS: Okay.
7 COMMISSIONER CLARK: -- money.
8 COMMISSIONER WAITS: On the other one, I think three
9 months' salary is a very fair amount.
10 COMMISSIONER CLARK: The what? Patsy, --
11 COMMISSIONER BAKKER: I'm fine --
12 COMMISSIONER CLARK: -- I didn't --
13 COMMISSIONER BAKKER: -- with the year. But I --
14 COMMISSIONER CLARK: I didn't hear --
15 COMMISSIONER BAKKER: -- agree with the --
16 COMMISSIONER CLARK: -- what you --
17 COMMISSIONER BAKKER: -- other --
18 COMMISSIONER CLARK: -- said.
19 COMMISSIONER BAKKER: -- part.
20 COMMISSIONER CLARK: Three?
21 COMMISSIONER WAITS: Three.
22 COMMISSIONER BAKKER: For the just --
23 CHAIRMAN MILLS: The one --
24 COMMISSIONER BAKKER: -- cause.
25 CHAIRMAN MILLS: -- a one-year severance if it's no cause?
26 COMMISSIONER BAKKER: Uh-huh.
27 CHAIRMAN MILLS: No severance for just cause.
28 COMMISSIONER CLARK: And then where would we put in the
29 at-will, Ted?
30 DISTRICT ATTORNEY HERRERA: We just --
31 COMMISSIONER BAKKER: Well, --
32 DISTRICT ATTORNEY HERRERA: -- put that --
33 COMMISSIONER BAKKER: -- that's --
34 DISTRICT ATTORNEY HERRERA: -- in -- in the -- oh, I'd --
35 I'd find a place for it.
36 COMMISSIONER BAKKER: We're adding --
37 COMMISSIONER CLARK: In nine?
38 COMMISSIONER BAKKER: -- no time.
39 DISTRICT ATTORNEY HERRERA: No, I'd -- I'll -- I'd find a
40 place for it.

1 COMMISSIONER WAITS: He'll take it right out of the NRS and
2 the ordinance --
3 DISTRICT ATTORNEY HERRERA: Yep.
4 COMMISSIONER WAITS: -- and put it in.
5 CHAIRMAN MILLS: So, Judie, what are you thinking on
6 severance?
7 COMMISSIONER ALLAN: I -- I am fine.
8 I mean, it's a lot of money. And I'm always looking at the
9 budget. But I don't think three months is long enough.
10 CHAIRMAN MILLS: Art, do you have any feelings on
11 severance?
12 COMMISSIONER CLARK: I don't have a problem with the 12
13 months because in the future, if you have unreasonable people,
14 that's one thing that they would have to consider.
15 CHAIRMAN MILLS: Okay.
16 COMMISSIONER WAITS: I -- I'm not following you. I'm
17 sorry. Do you want to explain that?
18 COMMISSIONER CLARK: Well, on -- well, if -- if you have a
19 new board of unreasonable people and they're picking on the
20 executive director, they don't like him, whatever the case may
21 be, that's the one thing that you would have to stop and pause
22 for a moment. Do I want to pay this guy \$120,000 to leave.
23 So that's how I see that.
24 COMMISSIONER WAITS: I see. And the other way I see it is
25 if they've truly wanted to get rid of somebody and gave them
26 120,000, that's a waste of taxpayers' money. So I think I'm
27 trying to protect the -- of -- of what it would be. So it's --
28 yeah, it works both ways, I guess.
29 COMMISSIONER ALLAN: Yeah.
30 COMMISSIONER WAITS: You want to settle on six months?
31 COMMISSIONER CLARK: Well, un- -- unless you work for six
32 months and you're let go.
33 COMMISSIONER WAITS: Yeah.
34 Anna, what did they do at the school district? What --
35 what is that for the principal in severance? Do you remember?
36 ANNA PENOLA: I don't believe there --
37 COMMISSIONER CLARK: And there's --
38 ANNA PENOLA: -- is one.
39 COMMISSIONER CLARK: -- no severance. You -- you get --
40 you collect your money for your time not used.

1 ANNA PENOLA: Yeah. No severance.
2 KEITH WESTENGARD: How about the hospital?
3 CHAIRMAN MILLS: The hospital has a severance. But I d- --
4 I can't recall what it is. I believe it's a year.
5 COMMISSIONER WAITS: Well, we've had a severance pay
6 before. I mean, we bought out Gene when -- when --
7 COMMISSIONER CLARK: Wasn't --
8 KEITH WESTENGARD: That wasn't a --
9 COMMISSIONER CLARK: -- that --
10 KEITH WESTENGARD: -- severance --
11 COMMISSIONER ALLAN: That --
12 COMMISSIONER CLARK: -- in --
13 COMMISSIONER ALLAN: -- wasn't --
14 COMMISSIONER CLARK: -- his payment?
15 KEITH WESTENGARD: -- pay. That wasn't a severance
16 payment.
17 DISTRICT ATTORNEY HERRERA: No. That wasn't severance.
18 COMMISSIONER CLARK: That was an agreement.
19 DISTRICT ATTORNEY HERRERA: Yeah.
20 COMMISSIONER WAITS: Oh, that was an agreement?
21 DISTRICT ATTORNEY HERRERA: Yeah.
22 COMMISSIONER WAITS: Okay.
23 KEITH WESTENGARD: But there was no -- he -- Gene never had
24 a contract either. That was an agreement for -- an agreement.
25 COMMISSIONER WAITS: Boy, our last one -- our last one was
26 --
27 COMMISSIONER BAKKER: That was mumbled.
28 COMMISSIONER WAITS: Okay.
29 CHAIRMAN MILLS: All right. So it's sounding -- it's
30 sounding like overall we're on -- we're on a 12 months' --
31 COMMISSIONER BAKKER: Uh-huh.
32 CHAIRMAN MILLS: -- severance.
33 Okay.
34 The just cause?
35 COMMISSIONER BAKKER: He said he would --
36 CHAIRMAN MILLS: Separating out just cause.
37 And part of the problem here is a -- at -- as Art was kind
38 of alluding to, if you have an unreasonable board, they'll just
39 create a just cause. Or --
40 COMMISSIONER WAITS: No. Just cause --

1 CHAIRMAN MILLS: -- advocate.
2 COMMISSIONER WAITS: -- is -- is determined --
3 CHAIRMAN MILLS: Yeah.
4 COMMISSIONER WAITS: -- in here.
5 CHAIRMAN MILLS: But it is -- it is --
6 COMMISSIONER CLARK: Yeah.
7 CHAIRMAN MILLS: -- fairly well defined.
8 COMMISSIONER WAITS: Yes.
9 CHAIRMAN MILLS: It's -- it's not --
10 DISTRICT ATTORNEY HERRERA: Well --
11 CHAIRMAN MILLS: It's not -- it's a little bit loose
12 when -- when it talks about material breach. Well -- well, how
13 are you going to define material breach? And so you still get
14 into that definition part of things about how you define.
15 COMMISSIONER ALLAN: Counselor, is there anything in the
16 NRS that could be -- replace this as far as --
17 DISTRICT ATTORNEY HERRERA: Not really.
18 The -- I can read you what Winnemucca has as soon as I find
19 it.
20 They have three months' severance. That's --
21 Okay. For purposes of this agreement, termination for
22 cause is defined as conduct that constitutes a crime, except for
23 misdemeanor traffic citations, or conduct that constitutes a
24 knowing and willful violation of a law governing the conduct of
25 public officers or employees or the violation of Humboldt County
26 policies or the breach of this agreement by employees.
27 COMMISSIONER ALLAN: I like that.
28 I still like the moral turpitude too because that's actually
29 kind of a neat word.
30 DISTRICT ATTORNEY HERRERA: Moral turpitude's a good thing
31 to have in an employment contract, just in general.
32 COMMISSIONER ALLAN: Yeah.
33 DISTRICT ATTORNEY HERRERA: But I'm --
34 CHAIRMAN MILLS: Okay.
35 DISTRICT ATTORNEY HERRERA: -- sure that Humboldt County
36 policies has a moral turpitude clause. And so when they refer
37 to the -- the policies --
38 COMMISSIONER ALLAN: See, I don't think we have anything in
39 ours that states moral turpitude, but --
40 DISTRICT ATTORNEY HERRERA: I don't -- I don't know.

1 Do you know, Matt?
2 MATTHEW GOULD: I don't believe we do. Off the top of my
3 head.
4 COMMISSIONER ALLAN: So I think --
5 MATTHEW GOULD: I believe I've read through --
6 COMMISSIONER ALLAN: -- we should --
7 MATTHEW GOULD: -- it --
8 COMMISSIONER ALLAN: -- add --
9 MATTHEW GOULD: -- twice, though. And I didn't really
10 (indiscernible) to really ours.
11 COMMISSIONER ALLAN: Yeah.
12 DISTRICT ATTORNEY HERRERA: But it would be good to have
13 moral turpitude.
14 COMMISSIONER ALLAN: So I like what they say and then
15 add -- add --
16 CHAIRMAN MILLS: Okay.
17 COMMISSIONER ALLAN: -- a bit about moral turpitude.
18 CHAIRMAN MILLS: So I -- I think as long as we have a
19 strong enough just cause to protect the employee from something
20 being fabricated against them, --
21 DISTRICT ATTORNEY HERRERA: Right.
22 CHAIRMAN MILLS: -- then if -- if they are fired for just
23 cause, it sounds like everybody's saying no severance for just
24 cause.
25 COMMISSIONER CLARK: Just cause is pretty much a standard
26 in most contracts.
27 DISTRICT ATTORNEY HERRERA: Right. And moral turpitude's
28 usually part of it.
29 COMMISSIONER CLARK: (Indiscernible.)
30 COMMISSIONER ALLAN: See, --
31 COMMISSIONER BAKKER: Okay.
32 COMMISSIONER ALLAN: -- participation in --
33 CHAIRMAN MILLS: And then --
34 COMMISSIONER ALLAN: -- a fraud or act of dishonesty
35 against the county and in -- intentional material damage to the
36 county property.
37 But --
38 CHAIRMAN MILLS: Let's --
39 COMMISSIONER ALLAN: -- but, yeah, word -- word it around
40 Humboldt's and --

1 CHAIRMAN MILLS: Let's look at --
2 COMMISSIONER ALLAN: -- tweak it.
3 CHAIRMAN MILLS: -- holding another job.
4 COMMISSIONER BAKKER: Yeah, I don't think that I --
5 COMMISSIONER CLARK: I don't like that.
6 COMMISSIONER BAKKER: No. Whatever.
7 If they want to have another job at night or --
8 CHAIRMAN MILLS: I think it's kind of pointing out that --
9 COMMISSIONER BAKKER: Yeah.
10 CHAIRMAN MILLS: -- their number one job is with the
11 county.
12 COMMISSIONER BAKKER: Yeah.
13 CHAIRMAN MILLS: And -- and their second job is going to
14 take second fiddle to what --
15 COMMISSIONER BAKKER: Right.
16 CHAIRMAN MILLS: -- we want. So that's --
17 COMMISSIONER BAKKER: Unless you want to go work at
18 McDonald's, Keith, and then, you know, this could be your
19 part-time job. I don't know.
20 COMMISSIONER CLARK: And then --
21 CHAIRMAN MILLS: As long as you --
22 COMMISSIONER CLARK: -- miss a Mon- --
23 CHAIRMAN MILLS: (Indiscernible.)
24 COMMISSIONER CLARK: Then miss a Monday morning --
25 COMMISSIONER BAKKER: It's not --
26 COMMISSIONER CLARK: -- because you were out all -- all --
27 the whole weekend working.
28 KEITH WESTENGARD: Or riding your side-by-side, maybe?
29 Or --
30 COMMISSIONER CLARK: Yeah.
31 KEITH WESTENGARD: -- partying. Or --
32 COMMISSIONER CLARK: Yeah.
33 KEITH WESTENGARD: Right. I -- I got you --
34 CHAIRMAN MILLS: Yeah.
35 KEITH WESTENGARD: -- there. I understand clearly what
36 you're talking about.
37 CHAIRMAN MILLS: Okay.
38 COMMISSIONER CLARK: Do you have a side? I didn't know you
39 had a side job.
40 KEITH WESTENGARD: I -- I do. I just got one.

1 COMMISSIONER BAKKER: Anyway, what was the other point?
2 CHAIRMAN MILLS: At will. Sounds --
3 COMMISSIONER BAKKER: We've already --
4 CHAIRMAN MILLS: -- like --
5 COMMISSIONER BAKKER: -- discussed that.
6 CHAIRMAN MILLS: Sounds like that's a legal requirement.
7 DISTRICT ATTORNEY HERRERA: Yes, it is.
8 CHAIRMAN MILLS: Okay. The sick leave?
9 COMMISSIONER CLARK: That's all the same. That's why I
10 asked that question.
11 CHAIRMAN MILLS: I think we're -- I think we're talking
12 about a buyout of the sick leave.
13 COMMISSIONER ALLAN: So the way I --
14 CHAIRMAN MILLS: I think --
15 COMMISSIONER ALLAN: -- look at --
16 CHAIRMAN MILLS: -- there's --
17 COMMISSIONER ALLAN: -- it --
18 CHAIRMAN MILLS: -- something.
19 COMMISSIONER WAITS: The sick le- -- yeah.
20 COMMISSIONER ALLAN: The way I look at it is sick leave is
21 almost like a -- a -- a bonus. I mean, it's --
22 COMMISSIONER CLARK: Sick leave is your disability
23 insurance.
24 COMMISSIONER ALLAN: No, I mean, if he's got the flu and
25 can't come to work, that's --
26 COMMISSIONER CLARK: He's dis- --
27 COMMISSIONER ALLAN: -- part of --
28 COMMISSIONER CLARK: -- -abled. He can't come to work.
29 COMMISSIONER ALLAN: Well, that's --
30 COMMISSIONER CLARK: You --
31 COMMISSIONER ALLAN: -- different. Is -- is --
32 COMMISSIONER CLARK: -- you --
33 COMMISSIONER ALLAN: -- just --
34 COMMISSIONER CLARK: -- accumulate it. And then, you know,
35 in your later years when you get older and you need repairs,
36 that sick leave comes in handy. Believe me, I know.
37 CHAIRMAN MILLS: I think in -- in 6.2, it talks about the
38 employee shall be entitled to carry over sick leave, disability
39 leave. At no time shall employee lose sick leave or disability
40 leave. And then it says, in the event of resignation,

1 retirement, or termination of employee, employee shall be paid
2 the cash equivalent of a lump sum for sick leave or disability
3 leave.

4 COMMISSIONER CLARK: The -- so that would mean how much
5 he's paid in a day, he would get that at the end. That's --
6 that's pretty -- that's pretty -- that's rich.

7 COMMISSIONER WAITS: But isn't that what we just talked
8 about. That doesn't go to everybody. That goes to the
9 employees that have been here the longest.

10 You have to be here 15 years to do some of that.

11 So if we have an executive director that's here five years,
12 ten years, are you going to pay him everything or not?

13 That's -- that's the point.

14 CHAIRMAN MILLS: And it's -- this is also says sick --

15 COMMISSIONER WAITS: This --

16 CHAIRMAN MILLS: -- leave.

17 COMMISSIONER WAITS: This says --

18 CHAIRMAN MILLS: It says --

19 COMMISSIONER WAITS: -- we do.

20 CHAIRMAN MILLS: -- it says for sick or disability. Do we
21 have a separate sick leave and a separate disability leave?

22 CINDY BENSON: It's the same.

23 CHAIRMAN MILLS: It's the same? Okay. *

24 So those aren't separated. So by saying "or" there, we're
25 not talking about two different things.

26 COMMISSIONER WAITS: But we could put it in here that --
27 that, you know, they are entitled to exactly the -- the same,
28 you know, sick leave that we -- that we have for all
29 employees --

30 CHAIRMAN MILLS: For --

31 COMMISSIONER CLARK: And in some contracts at the end of
32 your career, what they say is we will pay you X amount. In the
33 last contract I negotiated for the teachers, it was \$30 a day
34 that -- for your sick leave.

35 So if you had a hundred days, then you get 100 times 30.

36 The problem there is I -- I'm making \$300 a day and you're
37 going pay me 30?

38 Well, I'm going to be sick.

39 So there -- you've got to balance that out.

40 COMMISSIONER ALLAN: Well, and that's what it's for is

1 if --
2 COMMISSIONER WAITS: But that's --
3 COMMISSIONER ALLAN: -- you --
4 COMMISSIONER WAITS: -- what --
5 COMMISSIONER ALLAN: -- are --
6 COMMISSIONER WAITS: -- we have, --
7 COMMISSIONER ALLAN: -- sick --
8 COMMISSIONER WAITS: -- our --
9 COMMISSIONER ALLAN: -- you're --
10 COMMISSIONER WAITS: That's what we --
11 COMMISSIONER ALLAN: -- supposed --
12 COMMISSIONER WAITS: -- have.
13 COMMISSIONER ALLAN: -- to take sick time. Is sick leave
14 is not a guaranteed benefit.
15 I mean, most companies it is a use-it-or-lose-it. That it --
16 it's -- it's like a, you know --
17 COMMISSIONER CLARK: It's a guaranteed benefit in Lander
18 County.
19 COMMISSIONER WAITS: No, it's not.
20 COMMISSIONER CLARK: The -- the sick leave? Is not --
21 COMMISSIONER WAITS: No.
22 COMMISSIONER CLARK: -- a guaranteed benefit?
23 COMMISSIONER WAITS: No.
24 Whether you keep it and get paid for it is only if you
25 retire.
26 COMMISSIONER CLARK: Right. Right.
27 COMMISSIONER WAITS: Okay. But if you're not retiring and
28 -- and Keith --
29 COMMISSIONER CLARK: Then you don't --
30 COMMISSIONER WAITS: -- may not be --
31 COMMISSIONER CLARK: -- get it.
32 COMMISSIONER WAITS: -- with us to retire, --
33 COMMISSIONER CLARK: Right.
34 COMMISSIONER WAITS: -- do you want to pay him the extra or
35 do we just put in he gets the same as any other employee
36 benefit? That's what I'm asking.
37 DISTRICT ATTORNEY HERRERA: Do -- do you --
38 COMMISSIONER CLARK: Oh, I see.
39 DISTRICT ATTORNEY HERRERA: -- do you want to me to read
40 what Humboldt County has on that?

1 COMMISSIONER ALLAN: Yes, please.
2 DISTRICT ATTORNEY HERRERA: Unless terminated for cause,
3 employee shall also be compensated for any accrued sick leave
4 and annual leave as part of any severance payment.
5 COMMISSIONER ALLAN: So --
6 COMMISSIONER BAKKER: They're --
7 COMMISSIONER ALLAN: -- they're --
8 COMMISSIONER BAKKER: -- the same.
9 COMMISSIONER ALLAN: -- paying.
10 CHAIRMAN MILLS: So they're getting a hundred percent of
11 their sick leave.
12 DISTRICT ATTORNEY HERRERA: If it's accrued.
13 COMMISSIONER BAKKER: So just leave it alone.
14 DISTRICT ATTORNEY HERRERA: Then they also -- they also say
15 that employee and any of his legal dependents will be entitled
16 to exercise his rights under the Consolidated Omnibus Budget
17 Recon- -- Reconciliation Act, COBRA, which shall commence on the
18 last day employee provides services to the county pursuant to
19 the terms of this agreement.
20 CHAIRMAN MILLS: Okay.
21 So with that information, what do you want to do on sick
22 leave?
23 COMMISSIONER ALLAN: Do you -- actually, I mean, I don't
24 care.
25 Or -- or -- or, you know, actually, I know Art didn't mean
26 it that way, but a monetary buyout per day or hours on accrued
27 or just pay it.
28 COMMISSIONER WAITS: Well, it says, in the event of
29 resignation, retirement, or termination. So if Keith leaves us
30 and we don't particularly want him to, we're still paying him
31 all this extra money to let him leave. And it's like, --
32 DISTRICT ATTORNEY HERRERA: Under --
33 COMMISSIONER WAITS: -- gee.
34 DISTRICT ATTORNEY HERRERA: -- under Humboldt County's
35 contract, if he voluntarily resigns, he's -- he's -- they're not
36 entitled.
37 COMMISSIONER WAITS: Oh. Okay. Because that's not what it
38 says in here.
39 DISTRICT ATTORNEY HERRERA: I know.
40 COMMISSIONER WAITS: Okay.

1 DISTRICT ATTORNEY HERRERA: I'm --
2 COMMISSIONER WAITS: All right.
3 DISTRICT ATTORNEY HERRERA: A voluntary resignation does
4 not give --
5 COMMISSIONER WAITS: Okay.
6 DISTRICT ATTORNEY HERRERA: -- him any severance under --
7 COMMISSIONER WAITS: Okay.
8 DISTRICT ATTORNEY HERRERA: -- Humboldt County.
9 KEITH WESTENGARD: It gives them their sick -- their annual
10 leave, though. Their vacation is a guaranteed --
11 COMMISSIONER WAITS: Yes.
12 KEITH WESTENGARD: -- buyout.
13 COMMISSIONER WAITS: You're due the vacation.
14 KEITH WESTENGARD: What's that?
15 COMMISSIONER WAITS: You're due the vacation.
16 KEITH WESTENGARD: That's correct.
17 DISTRICT ATTORNEY HERRERA: Right.
18 COMMISSIONER ALLAN: Well -- okay.
19 COMMISSIONER WAITS: Take it while you're here.
20 COMMISSIONER ALLAN: So -- yeah. So we're not going to --
21 If he decides to leave, we're not going to pay him. He
22 only gets paid if we --
23 COMMISSIONER WAITS: Okay.
24 COMMISSIONER ALLAN: -- terminate --
25 COMMISSIONER WAITS: Under this contract, --
26 COMMISSIONER ALLAN: -- him for not --
27 COMMISSIONER WAITS: -- he does.
28 COMMISSIONER ALLAN: -- just cause.
29 COMMISSIONER WAITS: So we'll -- we're okay with that?
30 COMMISSIONER ALLAN: Yeah.
31 COMMISSIONER WAITS: Okay. What else?
32 COMMISSIONER BAKKER: What was the other point?
33 CHAIRMAN MILLS: I think that was all of them that I got
34 wrote -- I had written down or heard as an objection.
35 Do you want to review?
36 COMMISSIONER ALLAN: For the sixth time?
37 CHAIRMAN MILLS: You're okay? We got it?
38 COMMISSIONER WAITS: Yeah.
39 CHAIRMAN MILLS: Okay.
40 COMMISSIONER CLARK: Ted?

1 DISTRICT ATTORNEY HERRERA: Yes.
2 COMMISSIONER BAKKER: You got that? The points?
3 DISTRICT ATTORNEY HERRERA: Oh, yes.
4 COMMISSIONER ALLAN: No, does Jeanne have it?
5 COMMISSIONER BAKKER: Or, yeah, Jeanne?
6 DISTRICT ATTORNEY HERRERA: No. Jeanne has it. And plus
7 we'll get a copy of the minutes.
8 COMMISSIONER BAKKER: The transcript.
9 COMMISSIONER WAITS: Oh. We better have this done before
10 we get the transcript, --
11 COMMISSIONER BAKKER: The --
12 COMMISSIONER WAITS: -- please.
13 COMMISSIONER BAKKER: -- video.
14 DISTRICT ATTORNEY HERRERA: Oh, no. I'll get it to
15 (indiscernible) done.
16 COMMISSIONER BAKKER: Okay.
17 DISTRICT ATTORNEY HERRERA: We've got it done.
18 COMMISSIONER BAKKER: Okay.
19 DISTRICT ATTORNEY HERRERA: But we'll have -- by the time
20 you okay it, the transcript should be there too.
21 COMMISSIONER WAITS: We always have the CD.
22 DISTRICT ATTORNEY HERRERA: Yeah.
23 COMMISSIONER BAKKER: Okay.
24 KEITH WESTENGARD: So I want to be clear. If I leave of my
25 own resignation, I get my -- my vacation hours paid out at my
26 ba- -- at my regular rate?
27 CHAIRMAN MILLS: I believe --
28 KEITH WESTENGARD: Like any --
29 CHAIRMAN MILLS: -- that's accurate.
30 KEITH WESTENGARD: -- other employee in this county?
31 CHAIRMAN MILLS: Right.
32 COMMISSIONER BAKKER: Right.
33 KEITH WESTENGARD: Okay.
34 DISTRICT ATTORNEY HERRERA: Every- -- everything accrued.
35 KEITH WESTENGARD: Right. Yeah.
36 CHAIRMAN MILLS: Yeah.
37 KEITH WESTENGARD: My -- my total number of hours.
38 COMMISSIONER BAKKER: Right.
39 KEITH WESTENGARD: Okay.
40 COMMISSIONER BAKKER: Yes.

1 COMMISSIONER ALLAN: I just --
2 CHAIRMAN MILLS: We're nodding, for the record.
3 COMMISSIONER BAKKER: Yeah. That doesn't work too good.
4 CHAIRMAN MILLS: I don't care either way.
5 COMMISSIONER WAITS: It's -- it's put in as a rattle.
6 CHAIRMAN MILLS: Yeah.
7 COMMISSIONER ALLAN: I don't care either way. I just have
8 to make a point on sick leave.
9 Is you really want to encourage employees to use their sick
10 leave when they're sick instead of saving it for, like, gee, I
11 might retire so I'm going to bank --
12 CHAIRMAN MILLS: Use it --
13 COMMISSIONER ALLAN: -- it.
14 CHAIRMAN MILLS: -- as a banking account?
15 COMMISSIONER ALLAN: Yeah. I really -- that's the only
16 problem I have with that is, you know, if you're sick, stay
17 home.
18 COMMISSIONER BAKKER: Well, if you plan on leaving a month
19 before, just take all your sick leave.
20 COMMISSIONER CLARK: I've seen that done.
21 CHAIRMAN MILLS: Yeah.
22 COMMISSIONER BAKKER: Me too.
23 CHAIRMAN MILLS: That's happened before.
24 KEITH WESTENGARD: That was on the record.
25 CHAIRMAN MILLS: Okay. Any -- any further discussion?
26 COMMISSIONER WAITS: But it wasn't voted unanimously.
27 KEITH WESTENGARD: On the record.
28 CHAIRMAN MILLS: Any further discussion on this?
29 Do we have any public comment?
30 MARLA SAM: Yeah. How many hours --
31 We have -- can only obtain 240 hours. Is there a
32 restriction on how many hours this contract (indiscernible)?
33 COMMISSIONER BAKKER: Name?
34 COMMISSIONER ALLAN: It is 240 hours. Shall be entitled
35 to --
36 MARLA SAM: Okay.
37 COMMISSIONER ALLAN: -- 30 days, 240 hours of annual --
38 COMMISSIONER BAKKER: Marla, you've --
39 COMMISSIONER ALLAN: -- leave.
40 COMMISSIONER BAKKER: -- got to state your name.

1 MARLA SAM: Oh, Marla Sam, for the record.
2 COMMISSIONER BAKKER: Thank you.
3 CHAIRMAN MILLS: Okay. You got that?
4 Other public comment?
5 (No comment.)
6
7 5) Discussion and possible action regarding employment contract
8 for Bartolo Ramos, and all other matters properly related
9 thereto.
10
11 CHAIRMAN MILLS: Okay. We'll move on to Item Number 5.
12 Discussion and possible action regarding employment
13 contract for Bartolo Ramos, and all --
14 DISTRICT ATTORNEY HERRERA: Are --
15 CHAIRMAN MILLS: -- other matters properly related thereto.
16 DISTRICT ATTORNEY HERRERA: Are you going to take a vote on
17 that?
18 COMMISSIONER CLARK: Yeah, don't we have to vote?
19 MARLA SAM: Oh.
20 COMMISSIONER WAITS: No.
21 COMMISSIONER BAKKER: I didn't make a motion, though.
22 MARLA SAM: You didn't vote.
23 COMMISSIONER WAITS: It was just --
24 CHAIRMAN MILLS: Did we give you --
25 COMMISSIONER WAITS: -- all concurrence --
26 COMMISSIONER ALLAN: For --
27 COMMISSIONER WAITS: -- by the board for you to bring --
28 DISTRICT ATTORNEY HERRERA: Oh.
29 COMMISSIONER WAITS: -- back.
30 DISTRICT ATTORNEY HERRERA: Okay.
31 COMMISSIONER ALLAN: It was --
32 COMMISSIONER BAKKER: Yeah. Then you'll --
33 COMMISSIONER ALLAN: -- discussion --
34 COMMISSIONER BAKKER: -- bring it --
35 CHAIRMAN MILLS: Bring it again --
36 COMMISSIONER BAKKER: -- back --
37 COMMISSIONER ALLAN: -- only.
38 CHAIRMAN MILLS: -- and direction --
39 COMMISSIONER BAKKER: -- with the --
40 DISTRICT ATTORNEY HERRERA: All right.

1 CHAIRMAN MILLS: -- or --
2 COMMISSIONER BAKKER: -- changes.
3 CHAIRMAN MILLS: -- just --
4 DISTRICT ATTORNEY HERRERA: That was direction.
5 CHAIRMAN MILLS: Just make --
6 DISTRICT ATTORNEY HERRERA: Okay.
7 CHAIRMAN MILLS: -- those changes to the contract.
8 DISTRICT ATTORNEY HERRERA: I just wanted to get on the
9 same page.
10 CHAIRMAN MILLS: Okay.
11 DISTRICT ATTORNEY HERRERA: I've been given direction.
12 CHAIRMAN MILLS: All right.
13 So I would present the idea that we make the contracts the
14 same.
15 COMMISSIONER ALLAN: See, and -- and my issue --
16 COMMISSIONER BAKKER: So motioned.
17 COMMISSIONER ALLAN: -- is that --
18 COMMISSIONER WAITS: I hope not.
19 COMMISSIONER ALLAN: -- Keith is the exec- -- Keith is the
20 county manager and is thus retire- -- entitled to a contract;
21 whereas, the employees underneath him that answer directly to
22 him, I don't feel should have contracts. And there are
23 several -- several department heads, so to speak, or salaried
24 employees that if we're going to do this for one, then maybe we
25 ought to consider looking at all the other --
26 COMMISSIONER BAKKER: That will --
27 COMMISSIONER ALLAN: -- employees that are not protected
28 under union contract.
29 COMMISSIONER BAKKER: We just reorged and put public works
30 director under the commission.
31 DISTRICT ATTORNEY HERRERA: Yes.
32 COMMISSIONER ALLAN: No.
33 COMMISSIONER BAKKER: And we made a county manager under --
34 COMMISSIONER CLARK: Yeah.
35 COMMISSIONER BAKKER: -- the commission.
36 DISTRICT ATTORNEY HERRERA: Yeah.
37 COMMISSIONER CLARK: That's what --
38 COMMISSIONER BAKKER: So he's not --
39 COMMISSIONER CLARK: -- we --
40 COMMISSIONER BAKKER: -- working --

1 COMMISSIONER CLARK: -- did.
2 COMMISSIONER BAKKER: -- under Keith anymore.
3 COMMISSIONER ALLAN: He is still working under Keith.
4 COMMISSIONER BAKKER: They're working together.
5 COMMISSIONER CLARK: That's what this whole thing has been
6 about, director and supervisor. That's why we're in this -- in
7 this conversation.
8 COMMISSIONER ALLAN: He still answers to the county
9 manager. He does not answer directly to the commission.
10 COMMISSIONER CLARK: Well, we approved the --
11 COMMISSIONER BAKKER: Keith does answer to himself.
12 COMMISSIONER CLARK: We approved --
13 COMMISSIONER ALLAN: I'm not talking about Keith.
14 COMMISSIONER BAKKER: I know.
15 COMMISSIONER ALLAN: Is --
16 I don't feel that we should have contracts for employees
17 that answer under Keith.
18 CHAIRMAN MILLS: Okay.
19 Anyone else have any opinions on that?
20 COMMISSIONER BAKKER: No.
21 COMMISSIONER CLARK: No.
22 CHAIRMAN MILLS: Okay.
23 COMMISSIONER WAITS: I'm -- I'm real unhappy with -- with a
24 set contract at this point. I am.
25 CHAIRMAN MILLS: So if we make the con- -- the contract for
26 Keith and the contract for Bert the same, you're unhappy --
27 COMMISSIONER WAITS: No.
28 CHAIRMAN MILLS: -- with that?
29 COMMISSIONER WAITS: No. I'm not in favor of a contract
30 with -- with our public works director.
31 CHAIRMAN MILLS: Okay.
32 KEITH WESTENGARD: I -- and I was asked, I think, by
33 Commissioner Allen. There are other counties that do have
34 contracts in place. And I believe Humboldt is -- is one of them
35 --
36 COMMISSIONER WAITS: You know, I -- I know --
37 KEITH WESTENGARD: -- for their public works. I -- I mean
38 for their public works, road and bridge -- or road supervisor.
39 Carlin, I believe, they all -- they have those in place.
40 And I was asked to look into it, and it is a fact.

1 So I wanted to men- -- I wanted to put that out there.
2 COMMISSIONER WAITS: And there may be a point in time
3 that -- that we should do this. I just don't think currently we
4 do. And part of it's because when we -- when we first hired our
5 public works director -- we've had some here and there. I mean,
6 we really -- we really trained him on the job. We really did.
7 He came in, you know, totally brand new to road and bridge
8 in the south.
9 And then we moved him up here into a position for a full
10 management. And I think he's done an excellent job.
11 But I can't see, with a contract, where people actually come
12 in with all their education and experience behind them and then
13 you interview. That's a contract.
14 I think where we are now that he's done an excellent job and
15 hopefully he'll continue to stay. But I don't see that I want to
16 do a contract to just give him tenure at this point. I don't.
17 CHAIRMAN MILLS: Hm.
18 COMMISSIONER BAKKER: Well --
19 CHAIRMAN MILLS: And as I see it, he's -- we're -- we're
20 giving a contract for the position as much as we are for the
21 person. And I think the position, --
22 COMMISSIONER ALLAN: So who --
23 CHAIRMAN MILLS: -- it --
24 COMMISSIONER ALLAN: -- hires --
25 CHAIRMAN MILLS: -- certainly could have a contract as
26 anyone else can have a -- or --
27 Same -- Keith is -- is in a position where I think a
28 contract is important.
29 I think the public works director is the same thing.
30 COMMISSIONER WAITS: Well, then I think you have to start
31 putting things in that -- that we definitely want, you know, we
32 would like a bachelor's degree in this. We would like a, you
33 know, master's degree in this. We would like this.
34 CHAIRMAN MILLS: We're not requiring that of our county --
35 COMMISSIONER CLARK: We --
36 CHAIRMAN MILLS: -- manager.
37 COMMISSIONER CLARK: -- we don't do --
38 COMMISSIONER WAITS: No.
39 COMMISSIONER CLARK: -- that for --
40 COMMISSIONER WAITS: No. We don't. But I'm saying, in the

1 positions that do that, that's what they usually go out for.
2 That's the minimum. And then you go with the experience behind
3 it.
4 And in our county, we've moved people up, which has been
5 wonderful.
6 But --
7 CHAIRMAN MILLS: That's a great way --
8 COMMISSIONER WAITS: -- we haven't --
9 CHAIRMAN MILLS: -- to do it.
10 COMMISSIONER WAITS: -- asked.
11 CHAIRMAN MILLS: And he's moving -- he's moving into a
12 position that I think should have a contract.
13 COMMISSIONER ALLAN: So I'm just curious. Do we have a
14 contract for our HR director?
15 KEITH WESTENGARD: Our HR director --
16 DISTRICT ATTORNEY HERRERA: There's no --
17 KEITH WESTENGARD: -- does not -- it's not -- in my
18 opinion, it's not as critical of a position as a public works or
19 a finance.
20 COMMISSIONER ALLAN: I'm -- that was my --
21 CHAIRMAN MILLS: And our --
22 COMMISSIONER ALLAN: -- next --
23 CHAIRMAN MILLS: -- finance --
24 COMMISSIONER ALLAN: -- question --
25 CHAIRMAN MILLS: -- would be --
26 COMMISSIONER ALLAN: -- is, --
27 CHAIRMAN MILLS: -- one that you --
28 KEITH WESTENGARD: It's been --
29 COMMISSIONER ALLAN: -- is --
30 CHAIRMAN MILLS: -- might consider --
31 COMMISSIONER ALLAN: -- do we --
32 KEITH WESTENGARD: It's a perfectly --
33 COMMISSIONER ALLAN: -- have a contract --
34 KEITH WESTENGARD: -- it's --
35 COMMISSIONER ALLAN: -- for our finance director?
36 KEITH WESTENGARD: No. We do not because we don't have a
37 finance -- or a --
38 COMMISSIONER ALLAN: We have a -- a fiscal officer.
39 KEITH WESTENGARD: Right. We don't yet.
40 And I have spoken with some of you about that. I feel that

1 is a position that's critical to this county. The finance --
2 fiscal officer is critical to this county.

3 We went for a year and a half with- -- without an HR. And
4 the county had stumbling blocks, yes.

5 If we went six months without fiscal, this county would be
6 flat on its face. And the state would be in here running this
7 county.

8 The fiscal officer is a critical position.

9 So th- -- that is something that I'm looking in the future
10 for.

11 The HR supervisor, nothing against the current HR person,
12 but -- sorry, Matt -- I'm just telling you -- I'm putting it on
13 the record. It's -- it's not as critical as some positions.

14 Could -- could somebody step right in right now and take
15 the public works position and do what Bert is doing with it?

16 I don't think so. I'm sorry. I know, Judie. I'm sorry, --

17 COMMISSIONER BAKKER: There ain't no way.

18 KEITH WESTENGARD: -- but that's my feeling.

19 COMMISSIONER CLARK: Well, and just --

20 KEITH WESTENGARD: Sorry.

21 COMMISSIONER CLARK: -- when Bert came to Lander County,
22 didn't he have years of construction experience?

23 KEITH WESTENGARD: Yes.

24 COMMISSIONER CLARK: Isn't that --

25 KEITH WESTENGARD: He did.

26 COMMISSIONER CLARK: -- what you considered, Keith?

27 KEITH WESTENGARD: Yes. Abso- -- and -- and it really
28 wasn't me. It -- the interviews were conducted by outside
29 sources --

30 COMMISSIONER CLARK: Okay.

31 KEITH WESTENGARD: -- from different counties.

32 COMMISSIONER CLARK: But he didn't come blank.

33 KEITH WESTENGARD: No. He didn't come blank, --

34 COMMISSIONER CLARK: Yeah.

35 KEITH WESTENGARD: -- not at all.

36 COMMISSIONER CLARK: Okay.

37 COMMISSIONER ALLAN: So who hires these people?

38 KEITH WESTENGARD: I hire them. And I bring them to you
39 for ratification.

40 COMMISSIONER ALLAN: Exactly. And in -- in that --

1 KEITH WESTENGARD: Oh, I'm --
2 COMMISSIONER ALLAN: -- respect is why I do not feel that
3 the people that -- Keith is -- is -- they are -- they are his
4 responsibility. And he -- since they answer to him, they should
5 not get a contract. Because you will -- you start giving --
6 CHAIRMAN MILLS: Take direction --
7 COMMISSIONER ALLAN: -- one individual --
8 CHAIRMAN MILLS: -- the same as we did last --
9 COMMISSIONER ALLAN: -- contract, --
10 CHAIRMAN MILLS: -- week.
11 COMMISSIONER ALLAN: -- then there are other employees that
12 are deserved -- deserved of those contracts as well.
13 COMMISSIONER CLARK: Well, if they were deserving, Keith
14 would bring it forward. He's already talked about Cindy.
15 CHAIRMAN MILLS: Yeah.
16 COMMISSIONER CLARK: So that's Keith's decision.
17 COMMISSIONER BAKKER: I'm going to make a motion that we
18 mirror the employment contract for the county manager, Keith
19 Westengard, and the public works director, Bartolo Ramos, and
20 have the district attorney draft them up.
21 COMMISSIONER CLARK: Okay. I -- I just have a couple of
22 questions about Bert's.
23 The salary and the 5 percent. So that'll be t- -- what --
24 what -- is that --
25 COMMISSIONER BAKKER: Well, that's what I meant because
26 we'll --
27 COMMISSIONER CLARK: Okay.
28 COMMISSIONER BAKKER: -- mirror --
29 COMMISSIONER CLARK: But --
30 COMMISSIONER BAKKER: -- the same.
31 COMMISSIONER CLARK: -- is that his salary?
32 KEITH WESTENGARD: We will double --
33 COMMISSIONER CLARK: 97,000 with benefits?
34 KEITH WESTENGARD: I -- I'll -- we'll double-check to be
35 absolutely --
36 COMMISSIONER CLARK: Yeah, check --
37 KEITH WESTENGARD: -- sure --
38 COMMISSIONER CLARK: -- that. I just --
39 KEITH WESTENGARD: -- with -- within our system.
40 COMMISSIONER CLARK: Yeah. That was my only concern

1 about --
2 KEITH WESTENGARD: Yeah.
3 COMMISSIONER CLARK: -- that.
4 And then just cause is just cause.
5 COMMISSIONER BAKKER: No, that's with benefits.
6 COMMISSIONER CLARK: Yeah.
7 COMMISSIONER BAKKER: That's everything.
8 COMMISSIONER CLARK: Okay. I'm good on that.
9 CHAIRMAN MILLS: So is that a second to that motion?
10 COMMISSIONER CLARK: Yeah. I'll second that motion.
11 CHAIRMAN MILLS: Okay. Sean made a motion. Art seconded.
12 Do we have any public comment?
13 COMMISSIONER WAITS: I do have. We have a severance pay
14 for him too? Like the same? Right?
15 COMMISSIONER ALLAN: And as Sean said, it's mirrored.
16 CHAIRMAN MILLS: We'll need -- we'll --
17 COMMISSIONER WAITS: You said --
18 CHAIRMAN MILLS: -- we'll just --
19 COMMISSIONER WAITS: -- mirrored.
20 CHAIRMAN MILLS: -- make the contracts --
21 COMMISSIONER WAITS: So --
22 CHAIRMAN MILLS: -- the same.
23 COMMISSIONER ALLAN: I'd still like to know what his --
24 CHAIRMAN MILLS: Well, that's outside -- outside of salary
25 max.
26 CINDY BENSON: (Indiscernible.)
27 COMMISSIONER CLARK: Yeah.
28 COMMISSIONER ALLAN: I said I'd still like to know where
29 these contracts came from.
30 KEITH WESTENGARD: Come to my office and I'll talk to you
31 about it.
32 CHAIRMAN MILLS: Okay. Do we have any other public
33 comment?
34 (No comment.)
35 CHAIRMAN MILLS: All in favor?
36 COMMISSIONER BAKKER: Aye.
37 CHAIRMAN MILLS: Aye.
38 COMMISSIONER CLARK: Aye.
39 COMMISSIONER BAKKER: Opposed?
40 CHAIRMAN MILLS: Opposed?

1 COMMISSIONER ALLAN: Nay.

2 COMMISSIONER WAITS: Nay.

3 CHAIRMAN MILLS: Okay.

4

5 6) Discussion and possible action to approve/disapprove hiring a
6 part-time, unbenefited position at the Battle Mountain Civic
7 Center, and all other matters properly related thereto.

8

9 CHAIRMAN MILLS: We'll move on to Item Number 6.

10 Discussion and possible action to approve/disapprove hiring
11 a part-time, unbenefited position at the Battle Mountain Civic
12 Center, and all other matters properly related thereto.

13 KEITH WESTENGARD: So wh- -- in this -- when we originally
14 took the civic center, we had the -- the -- the ro- -- the
15 manager. And then we had a part-time position. So the
16 position's been there.

17 Now that there's been some movement, we're looking to put
18 the position back in place. We already had a job description.
19 It was already in place. It's a nine- -- up to 19 hours,
20 unbenefited position. It's for the benefit of -- of Rita for
21 weekends -- for eve- -- weekend events so that she's not
22 essentially there 24/7.

23 COMMISSIONER CLARK: Yeah.

24 COMMISSIONER BAKKER: You good with that, Rita?

25 RITA ROGERS: Oh, yes.

26 COMMISSIONER WAITS: So how -- how does she get trained if
27 she or he is working days that Rita isn't there?

28 KEITH WESTENGARD: Well, it's up to 19 hours. I -- I mean,
29 if somebody needs to come in on a Friday or Saturday night. But
30 it's -- and it's not every weekend. So there'll be some
31 training that -- that Rita --

32 RITA ROGERS: She'll --

33 KEITH WESTENGARD: -- can --

34 RITA ROGERS: -- be trained from the day I get her or --
35 her or him.

36 I'll start them --

37 Oh, Rita Rogers.

38 COMMISSIONER ALLAN: Rita, could you come up, please?

39 RITA ROGERS: I will take in whoever is hired in that
40 position. I'll start training, just like I was trained in

1 everything that is responsible at that civic center.
2 COMMISSIONER WAITS: But the whole idea is to be there
3 when --
4 RITA ROGERS: And --
5 COMMISSIONER WAITS: -- when you --
6 RITA ROGERS: -- she will --
7 COMMISSIONER WAITS: -- don't need to be.
8 RITA ROGERS: -- she or he will know what to do and how to
9 do it before I ever leave them alone with it.
10 COMMISSIONER WAITS: So we have a lot of events coming up
11 two --
12 RITA ROGERS: I --
13 COMMISSIONER WAITS: -- for weekends since --
14 RITA ROGERS: My August is full right now. I've got
15 weddings. And -- and I do a lot of business meetings with
16 Newmont, with BLM. I've got some scheduled here.
17 Marigold has got a big two-day that's coming up in August
18 of about 115 to 150 coming in for two --
19 COMMISSIONER WAITS: Sounds --
20 RITA ROGERS: -- days.
21 COMMISSIONER WAITS: -- like we're going to need both of
22 you, not just --
23 RITA ROGERS: It -- it --
24 COMMISSIONER WAITS: -- some relief.
25 RITA ROGERS: -- it -- it works, you know. But the main
26 thing that we do is -- especially on my meetings -- is we set it
27 up for them.
28 I'll set tables, chairs, coffee, water, whatever they would
29 like on our meetings.
30 Now if there's a wedding, I will let them know what they
31 can do and not do in that building.
32 And then I turn them loose. And I just monitor what they do.
33 They have, you might say, free reign of their decorating,
34 their, you know, stuff like that.
35 But they do have certain rules they have to follow. They
36 sign a contract. Everybody signs a contract, whether it's for
37 a -- a baby shower or a meeting.
38 But there's a contract signed.
39 COMMISSIONER WAITS: But somebody is there all -- all the
40 time? So --

1 RITA ROGERS: Well, not on a weekend, if there's a deal.
2 We're not in the building. But we are in town to be notified --

3 COMMISSIONER WAITS: Okay.

4 RITA ROGERS: -- if something is needed. We're on call.
5 Yes.

6 COMMISSIONER WAITS: Good. Okay.

7 RITA ROGERS: And even now, whether there's anything going
8 on in that building or not, I'm on call if something goes wrong.
9 So --

10 COMMISSIONER WAITS: Thank you.

11 RITA ROGERS: Okay?

12 COMMISSIONER BAKKER: I'm going to make a motion to approve
13 the hiring of part-time, unbenefited position at the Battle
14 Mountain Civic Center.

15 COMMISSIONER CLARK: Second.

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

18 (No comment.)

19 CHAIRMAN MILLS: All in favor?

20 COMMISSIONER BAKKER: Aye.

21 CHAIRMAN MILLS: Aye.

22 COMMISSIONER ALLAN: Aye.

23 COMMISSIONER CLARK: Aye.

24 COMMISSIONER WAITS: Aye.

25
26 7) Discussion and possible action to approve/disapprove the
27 Amended Resolution 2018-12 authorizing the county to sell a
28 2008 Ford F350 Super, VIN 1FDWF37R68EB86930 to Newmont Mining
29 with a fair market value of \$15,000 pursuant to NRS 332.185,
30 and all other matters properly related thereto.
31

32 CHAIRMAN MILLS: Okay. Item 7. Discussion and possible
33 action to approve/disapprove the Amended Resolution 2018-12
34 authorizing the county to sell a 2008 Ford F350 Super, VIN
35 1FDWF37R68EB86930 to Newmont Mining with a fair market value of
36 \$15,000 pursuant to NRS 332.185, and all other matters properly
37 related thereto.

38 KEITH WESTENGARD: So, Commissioners, this was before you
39 last week.

40 I hope this doesn't affect my performance evaluation, but I

1 got some numbers mixed up.

2 So we did have a wrong number -- a wrong VIN number on the
3 ambulance you approved to sell to Newmont last week.

4 And it was actually an F350, not a 550.

5 And I think we had 1998 instead of 2008.

6 So this is all corrected. It's the same one you approved
7 last week with the correct numbers -- correct year, make, model,
8 and VIN number. Value, cost, everything stayed the same. And
9 it is an amended resolution.

10 COMMISSIONER ALLAN: So I'll make a motion that we approve
11 the Amended Resolution Number 2018-12 of the Lander County Board
12 of Commissioners, an amended resolution directing the sale of
13 personal property of a public entity, whereas Nevada Revised
14 Statue 332.185 states that personal property may be sold if the
15 property is no longer required for public use and deemed such
16 actions desirable and in the best interest of the local
17 government.

18 Now therefore it be resolved the Lander County Board of
19 Commissioners does hereby authorize the sale of a 2008 Ford F350
20 Super Duty, VIN Number 1FDWF37R68EB86930 to Newmont Mining in
21 the fair market value amount of \$15,000.

22 Be it further resolved the Lander County Board of
23 Commissioners does hereby direct funds to be allocated to the
24 Lander County Fund 001-000-34060.

25 Passed and adopted this 26th day of July, 2018, and authorize
26 the chair to sign.

27 COMMISSIONER BAKKER: Second.

28 CHAIRMAN MILLS: Okay. Judie made a motion. Sean
29 seconded.

30 Do we have any public comment?

31 (No comment.)

32 CHAIRMAN MILLS: All in favor?

33 COMMISSIONER BAKKER: Aye.

34 COMMISSIONER ALLAN: Aye.

35 CHAIRMAN MILLS: Aye.

36 COMMISSIONER WAITS: Aye.

37 COMMISSIONER CLARK: Aye.

38 CHAIRMAN MILLS: Okay.

39 KEITH WESTENGARD: Commissioner Mills?

40 CHAIRMAN MILLS: Yes.

1 KEITH WESTENGARD: Can we go back to Number 4, please, the
2 contract for me. I did have one clarification on my notes.

3
4 4) Discussion and possible action regarding an employment
5 contract for Keith Westengard, and all other matters properly
6 related thereto.
7

8 CHAIRMAN MILLS: Okay. We'll go back to Number 4.
9 Discussion and possible action regarding employment contract
10 with Keith Westengard, and all other matters properly related
11 thereto.

12 KEITH WESTENGARD: This has to do with the -- the cap on my
13 vacation.

14 It says my payout will be 240.

15 As a department head, I would like that cap taken completely
16 off of -- of my vacation.

17 I very rarely have a chance to -- to complete a vacation day
18 without some type of interruption. And I would like that cap to
19 be taken off.

20 CHAIRMAN MILLS: Which item on the contract are you looking
21 at?

22 KEITH WESTENGARD: It -- it had to do with the -- my annual
23 leave, vacation time. I believe the payout was at -- capped at
24 240.

25 I'm at 240 right now, and -- and I was actually paid out
26 for 27 hours last month.

27 So --

28 CHAIRMAN MILLS: I can -- I can see in here in 5.1 it says,
29 employee will be entitled to 30 days or 240 hours of annual
30 leave, but it doesn't talk anything about --

31 COMMISSIONER ALLAN: Okay. So, --

32 CHAIRMAN MILLS: -- capping it.

33 COMMISSIONER ALLAN: -- Cindy?

34 CHAIRMAN MILLS: So I'm un- -- I'm -- just want to know
35 where -- where it's talking about a cap.

36 KEITH WESTENGARD: Because at 240 -- if -- if you go over
37 240, you're -- you're paid out quarterly.

38 So -- I --

39 COMMISSIONER CLARK: So if --

40 KEITH WESTENGARD: -- I --

1 COMMISSIONER CLARK: -- we don't have a cap, you don't get
2 paid --
3 KEITH WESTENGARD: No. Right.
4 And --
5 COMMISSIONER CLARK: -- until the end.
6 KEITH WESTENGARD: Until the end.
7 COMMISSIONER CLARK: Right.
8 KEITH WESTENGARD: Right.
9 COMMISSIONER ALLAN: So, Keith, I guess -- I guess my
10 question is, --
11 CHAIRMAN MILLS: Okay.
12 COMMISSIONER ALLAN: -- is, --
13 CHAIRMAN MILLS: I see what you're --
14 COMMISSIONER ALLAN: -- is --
15 CHAIRMAN MILLS: -- saying.
16 COMMISSIONER ALLAN: -- right now, you know, you -- you're
17 maxed out. And Cindy's paid you quarterly for -- for what
18 you've --
19 KEITH WESTENGARD: Yes.
20 COMMISSIONER ALLAN: Is why -- nothing's going to change.
21 You're still going to get paid the same amount, regardless.
22 KEITH WESTENGARD: What it's saying there, the way I
23 understand it, and maybe I'm wrong, is that if I have 300 hours
24 and I resign or I'm -- or what -- I leave, that my max would be
25 240. And -- and I don't want that.
26 COMMISSIONER ALLAN: And I see what you're saying there.
27 But I don't know if you would ever --
28 CHAIRMAN MILLS: So just thumbing --
29 COMMISSIONER ALLAN: (Indiscernible.)
30 CHAIRMAN MILLS: -- through this, the --
31 COMMISSIONER ALLAN: (Indiscernible.)
32 CHAIRMAN MILLS: -- only thing I see -- the only thing I
33 see on here about your vacation, it says that you're entitled to
34 three -- 30 days of annual leave.
35 . It doesn't say anything about capping it. It doesn't say
36 anything about rolling it over. It doesn't say anything about --
37 KEITH WESTENGARD: Well, okay. Let me --
38 CHAIRMAN MILLS: It just says that's how much you get a
39 year.
40 KEITH WESTENGARD: Let me give an -- an example here. So,

1 say, in two months I -- I leave and I have 300 hours of leave,
2 the way I'm understanding it -- and correct me if I'm wrong -- I
3 would only get 240 hours on my final paycheck of vacation time,
4 even though I had 300.

5 CINDY BENSON: Yes, that's correct.

6 KEITH WESTENGARD: See?

7 DISTRICT ATTORNEY HERRERA: That's true.

8 COMMISSIONER ALLAN: So we just --

9 CHAIRMAN MILLS: So that's --

10 COMMISSIONER ALLAN: -- put it as accrued annual leave.

11 KEITH WESTENGARD: Yes. And -- and no --

12 COMMISSIONER ALLAN: You just --

13 KEITH WESTENGARD: -- cap --

14 COMMISSIONER ALLAN: -- change it --

15 KEITH WESTENGARD: -- or --

16 COMMISSIONER ALLAN: -- to accrued annual leave.

17 KEITH WESTENGARD: That -- is that right?

18 DISTRICT ATTORNEY HERRERA: Well, yeah. If that's how they
19 want to do it.

20 KEITH WESTENGARD: Well, I mean, but that --

21 CHAIRMAN MILLS: Okay.

22 KEITH WESTENGARD: -- would be -- cover me because --

23 DISTRICT ATTORNEY HERRERA: It's covered.

24 KEITH WESTENGARD: -- because I'll start using leave and
25 shutting my phone off and -- and do what I need to do.

26 But I very rarely get a va- -- a full vacation day without
27 some interruption.

28 DISTRICT ATTORNEY HERRERA: It's my understanding you're
29 just referring to the severance package -- possible severance
30 package.

31 KEITH WESTENGARD: No, I'm referring to even if -- because
32 annual leave is if -- is if I resign too or leave or whatever.

33 So the annual leave, I would like no cap on it or no maximum
34 buyout of 240 --

35 COMMISSIONER BAKKER: Yeah.

36 KEITH WESTENGARD: -- hours.

37 COMMISSIONER BAKKER: So the severance package.

38 DISTRICT ATTORNEY HERRERA: So it's a severance package.

39 KEITH WESTENGARD: Yeah.

40 DISTRICT ATTORNEY HERRERA: It's --

1 KEITH WESTENGARD: Well, if I resign, I'm entitled to it.
2 But I want --
3 DISTRICT ATTORNEY HERRERA: What --
4 KEITH WESTENGARD: -- to make sure I --
5 CHAIRMAN MILLS: Right.
6 DISTRICT ATTORNEY HERRERA: So it's based on whether you
7 resign or you're fired or whatever.
8 KEITH WESTENGARD: Right. I just don't want a cap put on
9 the annual leave.
10 DISTRICT ATTORNEY HERRERA: But not -- not during your
11 employment phase.
12 You're -- you're just going to follow what you normally
13 follow.
14 KEITH WESTENGARD: Well, I mean, like right now, I'm --
15 it's -- it's on a 240 or maybe even 248. I'm not sure.
16 COMMISSIONER ALLAN: I think that -- that the reason for
17 that is, is it's -- it's more an accounting process to -- to --
18 anything over the 240 hours is paid o- -- paid out for
19 accounting purposes.
20 Is there --
21 KEITH WESTENGARD: It's --
22 COMMISSIONER ALLAN: -- is there a --
23 KEITH WESTENGARD: -- the con- --
24 COMMISSIONER ALLAN: -- checks and bal- --
25 KEITH WESTENGARD: It's in the contract.
26 COMMISSIONER ALLAN: -- balances there, Cindy?
27 CINDY BENSON: Cindy Benson.
28 The way it's always been, because of the union contract,
29 the employees are not to go over 240. If you go over 240, you
30 have 30 days to use -- use those hours you lose them.
31 When Gene Etcheverry was county commissioner- -- or not
32 county commi- -- sorry -- county manager -- sorry -- he -- he
33 brought it before the commission.
34 And it was approved, the -- for all department heads that
35 if they go over their 240 hours -- because they have, like you
36 said, no time to really use it. So every three months we would
37 pay out anything over the 240 hours.
38 But --
39 CHAIRMAN MILLS: Okay.
40 CINDY BENSON: -- if they --

1 COMMISSIONER BAKKER: For nonunion employees.
2 CHAIRMAN MILLS: So the employees --
3 CINDY BENSON: Yes.
4 CHAIRMAN MILLS: -- the employees at 240, if they get up to
5 240, beyond that, they lose it.
6 For department heads, they're paid quarterly if they go
7 above that.
8 CINDY BENSON: Uh-huh.
9 CHAIRMAN MILLS: Keith's asking that for him that --
10 KEITH WESTENGARD: In this contract. Yeah. That --
11 CHAIRMAN MILLS: That -- that --
12 KEITH WESTENGARD: -- it just --
13 CHAIRMAN MILLS: -- we're just going to pay out whatever
14 accumulated --
15 KEITH WESTENGARD: Yes.
16 CHAIRMAN MILLS: -- amount you have.
17 So does that mean you don't want to be paid out quarterly
18 for anything --
19 COMMISSIONER CLARK: Right.
20 CHAIRMAN MILLS: -- above 240 anymore?
21 COMMISSIONER CLARK: That's --
22 KEITH WESTENGARD: Yeah.
23 COMMISSIONER CLARK: -- what it --
24 KEITH WESTENGARD: And that --
25 COMMISSIONER CLARK: -- would mean.
26 KEITH WESTENGARD: -- and I -- I'm -- it's only happened
27 once. It just happened this last time. That's the first
28 time I -- I reached my limit.
29 And I've a -- I was asked, Do you want to be paid out?
30 And I said yes.
31 But I just don't want a cap on it. I mean, if -- if it comes
32 to the time to be paid out quarterly and I'm asked, it -- it
33 really doesn't matter.
34 CHAIRMAN MILLS: So you want -- okay -- so you kind --
35 KEITH WESTENGARD: I just --
36 CHAIRMAN MILLS: -- of want --
37 KEITH WESTENGARD: -- don't want --
38 CHAIRMAN MILLS: -- both. If you go over 240, you'd still
39 like to be able to get paid out quarterly. But if you --
40 KEITH WESTENGARD: Sure.

1 COMMISSIONER BAKKER: Get --
2 KEITH WESTENGARD: And if --
3 CHAIRMAN MILLS: If --
4 COMMISSIONER BAKKER: -- fired.
5 CHAIRMAN MILLS: -- you get --
6 COMMISSIONER BAKKER: And it's --
7 CHAIRMAN MILLS: -- fired --
8 COMMISSIONER BAKKER: -- at 241, --
9 CHAIRMAN MILLS: -- or resign or whatever --
10 COMMISSIONER BAKKER: -- you want --
11 CHAIRMAN MILLS: -- in between it, --
12 COMMISSIONER BAKKER: -- that --
13 CHAIRMAN MILLS: -- it's above that, --
14 COMMISSIONER BAKKER: -- 241.
15 CHAIRMAN MILLS: -- you want to be paid --
16 KEITH WESTENGARD: Yeah. Say --
17 CHAIRMAN MILLS: -- anything above --
18 KEITH WESTENGARD: -- I get paid --
19 CHAIRMAN MILLS: -- that.
20 KEITH WESTENGARD: -- out before the --
21 CHAIRMAN MILLS: I'm fine with that.
22 KEITH WESTENGARD: -- the third, fourth -- third quarter or
23 whatever.
24 COMMISSIONER ALLAN: Okay. So -- so --
25 DISTRICT ATTORNEY HERRERA: There has to be --
26 COMMISSIONER ALLAN: -- basically --
27 DISTRICT ATTORNEY HERRERA: -- a cou- --
28 COMMISSIONER ALLAN: -- we're -- we're maintaining what the
29 prior commission has already established that anything over 240
30 hours is paid out.
31 But we can make an exception in the contract that he will
32 be paid for any accrued vacation time.
33 KEITH WESTENGARD: Fine. That would --
34 DISTRICT ATTORNEY HERRERA: Whether -- upon --
35 COMMISSIONER ALLAN: Any --
36 DISTRICT ATTORNEY HERRERA: -- leaving --
37 COMMISSIONER ALLAN: -- and all.
38 DISTRICT ATTORNEY HERRERA: -- or being fired.
39 COMMISSIONER BAKKER: Yeah. It --
40 KEITH WESTENGARD: Right.

1 COMMISSIONER BAKKER: So --
2 COMMISSIONER ALLAN: Any and --
3 COMMISSIONER BAKKER: -- instead of being --
4 COMMISSIONER ALLAN: -- all.
5 COMMISSIONER BAKKER: -- cashed out that quarter, --
6 DISTRICT ATTORNEY HERRERA: Yes.
7 COMMISSIONER BAKKER: -- he's just getting paid out.
8 COMMISSIONER ALLAN: Right.
9 COMMISSIONER BAKKER: It's the same thing.
10 DISTRICT ATTORNEY HERRERA: But it would --
11 COMMISSIONER WAITS: So the cap --
12 DISTRICT ATTORNEY HERRERA: -- be --
13 COMMISSIONER WAITS: -- stays --
14 DISTRICT ATTORNEY HERRERA: It wouldn't affect --
15 COMMISSIONER WAITS: -- the same.
16 DISTRICT ATTORNEY HERRERA: -- his --
17 COMMISSIONER BAKKER: Yeah.
18 DISTRICT ATTORNEY HERRERA: -- ongoing --
19 COMMISSIONER BAKKER: It's not --
20 DISTRICT ATTORNEY HERRERA: -- (indiscernible) --
21 COMMISSIONER BAKKER: It's not different.
22 DISTRICT ATTORNEY HERRERA: -- (indiscernible).
23 COMMISSIONER WAITS: Yeah. Just --
24 DISTRICT ATTORNEY HERRERA: So there'd --
25 COMMISSIONER WAITS: -- clarifies.
26 DISTRICT ATTORNEY HERRERA: -- still be a cap.
27 CHAIRMAN MILLS: I'm fine with --
28 COMMISSIONER BAKKER: Yeah.
29 CHAIRMAN MILLS: -- that. Do we need --
30 COMMISSIONER BAKKER: Because you need to get cashed out.
31 But if you got fired or you got cashed out, you'd be paid out
32 the --
33 KEITH WESTENGARD: There you --
34 COMMISSIONER BAKKER: -- same --
35 KEITH WESTENGARD: -- go.
36 COMMISSIONER BAKKER: -- way.
37 KEITH WESTENGARD: That's it. That's all I'm asking.
38 COMMISSIONER BAKKER: Then nothing changes.
39 KEITH WESTENGARD: Yeah. That would --
40 DISTRICT ATTORNEY HERRERA: But nothing --

1 KEITH WESTENGARD: -- (indiscernible).
2 DISTRICT ATTORNEY HERRERA: -- changes.
3 KEITH WESTENGARD: That's what I'm --
4 CHAIRMAN MILLS: Right.
5 KEITH WESTENGARD: -- that's what --
6 DISTRICT ATTORNEY HERRERA: Yeah.
7 KEITH WESTENGARD: -- I'm saying.
8 COMMISSIONER WAITS: Okay.
9 CHAIRMAN MILLS: So we can include that in the --
10 DISTRICT ATTORNEY HERRERA: Yeah.
11 CHAIRMAN MILLS: -- contract? And we'll --
12 DISTRICT ATTORNEY HERRERA: Oh, yeah.
13 CHAIRMAN MILLS: -- I think we're fine.
14 DISTRICT ATTORNEY HERRERA: To make that clear. But it
15 won't change it when he's employed.
16 COMMISSIONER BAKKER: No.
17 DISTRICT ATTORNEY HERRERA: Right.
18 CHAIRMAN MILLS: Right.
19 COMMISSIONER ALLAN: Thank you, Cindy.
20 COMMISSIONER BAKKER: Thanks, Cindy.
21 CHAIRMAN MILLS: Yeah.
22 Okay. We're settled on that one?
23 KEITH WESTENGARD: I -- you good?
24 DISTRICT ATTORNEY HERRERA: Yeah. No, I'm good on that
25 one.
26 CHAIRMAN MILLS: Okay.
27 KEITH WESTENGARD: Good.
28
29

30 CORRESPONDENCE

31 32 8) Correspondence, reports, upcoming agenda items.

33
34 CHAIRMAN MILLS: We'll move to Item Number 8.
35 Correspondence, reports, potential upcoming agenda items.
36

37 (The following correspondence was received:

- 38 1. Monthly reports to Lander County Commissioners, June
39 2018.
40 2. State of Nevada, Governor's Office of Energy,

1 regarding ARN 14-0312G, McGinness Hills Phase II, Annual
2 Compliance Report 2018.

3 3. State of Nevada, Department of Conservation & Natural
4 Resources, regarding Notice of Proposed action by the State of
5 Nevada, Klondex Gold & Silver Mining Company.

6 4. State of Nevada, Department of Conservation & Natural
7 Resources, regarding Notice of Decision and Issuance of Renewed
8 Permit and Fact Sheet, Cortez Hills Project, Eureka and Lander
9 Counties, Nevada, Nevada Water Pollution Control Permit
10 NEV2007106.)

11
12 COMMISSIONER ALLAN: So I would like an agenda item to
13 bring the commissioners up to speed and make them aware of what
14 the situation is regarding Battle Mountain lands and the water
15 line.

16 COMMISSIONER BAKKER: Well, we've got to make a decision.
17 We've got to -- we need an agenda item.

18 COMMISSIONER ALLAN: That's what I'm talking about is we
19 need it on the agenda to discuss it and bring it before the
20 commissioners.

21 COMMISSIONER BAKKER: We've got that --

22 Okay. Anything else?

23 COMMISSIONER WAITS: I think you already have down that
24 we -- we need to amend the minutes and put those back on the
25 agenda for the 20th.

26 KEITH WESTENGARD: I spoke with Emily --

27 CHAIRMAN MILLS: Oh, that's right.

28 KEITH WESTENGARD: -- about that. They will be on the next
29 meeting agenda.

30 COMMISSIONER WAITS: Okay.

31 CHAIRMAN MILLS: That's right.

32 COMMISSIONER WAITS: I know we had asked. We didn't do an
33 agenda item, but we had asked you to contact the Department of
34 Minerals to see if they had any of their seasonal workers that
35 could come out, helping capping some of our open mine shafts and
36 stuff.

37 KEITH WESTENGARD: Yes. I have not got a response back.

38 COMMISSIONER BAKKER: From who?

39 KEITH WESTENGARD: I -- the Department of Minerals.

40 COMMISSIONER BAKKER: Oh.

1 COMMISSIONER WAITS: Okay. And the other --
2 KEITH WESTENGARD: Because we are getting some workers from
3 Newmont. I don't know if we'd want to use them for that. But,
4 yes, I -- I will --
5 COMMISSIONER WAITS: Yeah. That's a whole different thing
6 from Newmont.
7 COMMISSIONER BAKKER: Well, those are interns and not
8 actual --
9 KEITH WESTENGARD: That's true.
10 COMMISSIONER BAKKER: -- workers. So you -- it --
11 COMMISSIONER WAITS: Yeah.
12 COMMISSIONER BAKKER: -- might be a liability on Newmont's
13 part. They're not going to want to share.
14 COMMISSIONER WAITS: You know, I don't think that's what
15 they want to be doing or we want them to be doing.
16 The other thing is the Austin meeting. But that's going to
17 depend basically on -- it's a perhaps on -- on --
18 KEITH WESTENGARD: Doug and Sean.
19 COMMISSIONER WAITS: -- whether --
20 CHAIRMAN MILLS: Yeah. Because I --
21 COMMISSIONER WAITS: We might have it or not. Well, Doug
22 isn't sure. He thinks --
23 CHAIRMAN MILLS: I've --
24 COMMISSIONER WAITS: -- he's going to --
25 CHAIRMAN MILLS: -- got to --
26 COMMISSIONER WAITS: -- be --
27 CHAIRMAN MILLS: -- check --
28 COMMISSIONER WAITS: -- gone.
29 CHAIRMAN MILLS: -- the date.
30 COMMISSIONER WAITS: Are you --
31 CHAIRMAN MILLS: But I may --
32 COMMISSIONER WAITS: -- going to --
33 CHAIRMAN MILLS: -- not be --
34 COMMISSIONER WAITS: -- be --
35 CHAIRMAN MILLS: -- here.
36 COMMISSIONER WAITS: -- gone, Sean?
37 COMMISSIONER BAKKER: No, I should be there. I don't know.
38 Let me double-check that.
39 COMMISSIONER WAITS: Okay. Well, the reason I'm asking is
40 because we have this in Austin, they'd like to see all the

1 commissioners. That's the --
2 COMMISSIONER BAKKER: Right.
3 COMMISSIONER WAITS: -- whole point.
4 COMMISSIONER BAKKER: Uh-huh.
5 COMMISSIONER WAITS: And to have only three of us there
6 wouldn't be fair.
7 COMMISSIONER BAKKER: And you all left me last time. So --
8 Well, Doug wouldn't go last time, I don't believe.
9 CHAIRMAN MILLS: I've got to find out because --
10 COMMISSIONER BAKKER: He was having a baby.
11 CHAIRMAN MILLS: -- my -- my mom's having surgery.
12 COMMISSIONER WAITS: Well, we --
13 CHAIRMAN MILLS: And I've got to --
14 COMMISSIONER WAITS: -- understand --
15 CHAIRMAN MILLS: -- go help take --
16 COMMISSIONER WAITS: -- the points.
17 CHAIRMAN MILLS: -- her.
18 COMMISSIONER WAITS: But I'm saying --
19 CHAIRMAN MILLS: So --
20 COMMISSIONER BAKKER: If not, we'll move it a month.
21 COMMISSIONER WAITS: But we need to know. We're --
22 COMMISSIONER BAKKER: Yeah.
23 COMMISSIONER WAITS: -- advertising and --
24 COMMISSIONER BAKKER: Yeah.
25 COMMISSIONER WAITS: -- such. So --
26 COMMISSIONER BAKKER: Let's --
27 KEITH WESTENGARD: So do you want --
28 COMMISSIONER BAKKER: -- get --
29 KEITH WESTENGARD: -- to talk about --
30 COMMISSIONER BAKKER: -- everything --
31 KEITH WESTENGARD: -- it at the --
32 COMMISSIONER BAKKER: -- down.
33 KEITH WESTENGARD: -- next meeting?
34 COMMISSIONER BAKKER: And we'll get with Keith and make
35 sure --
36 CHAIRMAN MILLS: I'll give you -- I'll find out for sure if
37 I'll be there or not.
38 KEITH WESTENGARD: So you want --
39 COMMISSIONER BAKKER: We'll get it figured --
40 KEITH WESTENGARD: If --

1 COMMISSIONER BAKKER: -- out.
2 KEITH WESTENGARD: -- if --
3 COMMISSIONER WAITS: But we --
4 KEITH WESTENGARD: -- we're going to change it, we need
5 to --
6 COMMISSIONER WAITS: If we're going to --
7 KEITH WESTENGARD: -- put it on --
8 COMMISSIONER WAITS: -- change --
9 KEITH WESTENGARD: -- the next --
10 COMMISSIONER WAITS: -- it, we need to --
11 KEITH WESTENGARD: -- agenda.
12 COMMISSIONER WAITS: -- get it on the agenda. That's the
13 point.
14 CHAIRMAN MILLS: Right.
15 COMMISSIONER BAKKER: Okay. We'll figure that out by next
16 agenda setting.
17 COMMISSIONER WAITS: May be too late.
18 Would it be?
19 COMMISSIONER ALLAN: No, because --
20 KEITH WESTENGARD: No.
21 COMMISSIONER ALLAN: -- it's --
22 COMMISSIONER CLARK: Yeah. You've got that --
23 COMMISSIONER WAITS: We're okay?
24 COMMISSIONER CLARK: -- special posting.
25 COMMISSIONER WAITS: Okay.
26 KEITH WESTENGARD: We'll just -- we can put it in the paper
27 that we've changed --
28 COMMISSIONER WAITS: Okay.
29 KEITH WESTENGARD: -- it. Right?
30 COMMISSIONER WAITS: Okay.
31 DISTRICT ATTORNEY HERRERA: We have two weeks there.
32 COMMISSIONER WAITS: Anything else on our -- like --
33 KEITH WESTENGARD: Yeah, because it's --
34 COMMISSIONER WAITS: -- our ATV --
35 KEITH WESTENGARD: -- been in the --
36 COMMISSIONER WAITS: -- trails --
37 KEITH WESTENGARD: -- paper for --
38 COMMISSIONER WAITS: -- or anything.
39 KEITH WESTENGARD: -- two weeks.
40 COMMISSIONER WAITS: -- coming --

1 DISTRICT ATTORNEY HERRERA: Right. So we didn't --
2 COMMISSIONER WAITS: -- up on --
3 DISTRICT ATTORNEY HERRERA: -- have to put them --
4 COMMISSIONER WAITS: -- any of --
5 DISTRICT ATTORNEY HERRERA: -- (indiscernible).
6 COMMISSIONER WAITS: -- that?
7 COMMISSIONER BAKKER: Oh, yeah. What's going on with that?
8 KEITH WESTENGARD: We'd have to do a couple next meeting.
9 CHAIRMAN MILLS: Oh, --
10 COMMISSIONER BAKKER: ATV --
11 CHAIRMAN MILLS: Yeah.
12 COMMISSIONER BAKKER: -- ATV trails? ATV roads?
13 Ordinance to --
14 COMMISSIONER CLARK: Ordinance --
15 COMMISSIONER BAKKER: -- allow for ATV traveling on county
16 roads?
17 COMMISSIONER CLARK: Let's do it.
18 CHAIRMAN MILLS: I've forgotten about that one.
19 DISTRICT ATTORNEY HERRERA: I -- I haven't done it yet
20 because I've been doing other ordinances.
21 COMMISSIONER BAKKER: Have you?
22 DISTRICT ATTORNEY HERRERA: Yeah, I have.
23 COMMISSIONER BAKKER: Have you been busy?
24 DISTRICT ATTORNEY HERRERA: Oh, yeah.
25 COMMISSIONER BAKKER: Huh, Theodore?
26 COMMISSIONER WAITS: Well, we -- we were just setting an
27 agenda item, and we wondered how you were doing.
28 DISTRICT ATTORNEY HERRERA: I'm j- -- well, it's -- it's --
29 it's on my to-do list now that this ordinance is done. Well,
30 now, I've -- I have --
31 CHAIRMAN MILLS: Well, they're still --
32 DISTRICT ATTORNEY HERRERA: I have to -- no. I've got --
33 COMMISSIONER WAITS: Now you have more.
34 DISTRICT ATTORNEY HERRERA: I've --
35 CHAIRMAN MILLS: There's still --
36 DISTRICT ATTORNEY HERRERA: -- got a lot of --
37 CHAIRMAN MILLS: -- stuff.
38 DISTRICT ATTORNEY HERRERA: -- ordinances.
39 CHAIRMAN MILLS: Yeah.
40 Anything else?

1 (No comment.)

2
3
4 **PUBLIC COMMENT**

5
6 CHAIRMAN MILLS: Okay. We'll go to public comment for
7 nonagendized items only.

8 Persons are invited to submit comments on writ- -- in
9 writing and/or attend and make comment on any nonagenda item at
10 the board meeting, if any, and discussion of those comments at
11 the discretion of the board. All public comment may be limited
12 to three minutes per person, again at the discretion of the
13 board. Reasonable restriction may be placed on public comment
14 based upon time, place, and manner, but public comment based
15 upon viewpoint may not be restricted.

16 CHAIRMAN MILLS: Do we have any public comment?

17 The pressure's on you guys right now. Come on.

18 COMMISSIONER ALLAN: The holdouts.

19 CHAIRMAN MILLS: They're not falling for it. Okay.

20 Motion to adjourn?

21
22
23 **ADJOURNMENT**

24
25 COMMISSIONER BAKKER: I make a motion to adjourn.

26 COMMISSIONER CLARK: Second.

27 CHAIRMAN MILLS: All in favor?

28 COMMISSIONER BAKKER: Aye.

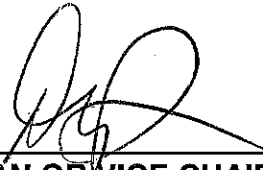
29 COMMISSIONER CLARK: Aye.

30 COMMISSIONER WAITS: Aye.

31 COMMISSIONER ALLAN: Aye.

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34 (Meeting adjourned at 11:38 a.m.)
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CHAIRMAN OR VICE CHAIRMAN OF THE
BOARD OF LANDER COUNTY
COMMISSIONERS AND THE LANDER
COUNTY LIQUOR BOARD

ATTEST:


LANDER COUNTY CLERK

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