

The Honorable Board of Lander County Commissioners met in regular session in the Commission Chambers of the Lander County Courthouse in Battle Mountain, Nevada, on February 10, 2011 at 9:00 A.M.

**PRESENT: STEVEN STIENMETZ, COMMISSIONER
RAY H. WILLIAMS, JR., COMMISSIONER
DEAN BULLOCK, COMMISSIONER
BRIAN GARNER, COMMISSIONER
DAVID MASON, COMMISSIONER
SADIE SULLIVAN, COUNTY CLERK
JAMES BARNES, DEPUTY DISTRICT ATTORNEY
GENE P. ETCHEVERRY, EXECUTIVE DIRECTOR
ROGENE HILL, FINANCE DIRECTOR
SOVEIDA ROBINSON, HUMAN RESOURCE DIRECTOR
DONNA J. BOHALL, DEPUTY CLERK**

Chairman Steven Stienmetz called the meeting to order.

Let the record reflect the presence of a quorum of five Commissioners.

Ray H. Williams, Jr. led the Pledge of Allegiance.

APPROVAL OF AGENDA NOTICE

The Notice of Posting was reviewed and found to be in order. Commissioner Williams moved to approve the Agenda Notice, as posted. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **Approved.**

APPROVAL & ACCEPTANCE OF MINUTES

Closed Session Of January 13, 2011

Commissioner Bullock moved to approve the minutes of the Closed Session of January 13, 2011, as presented. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **Approved.**

Regular Session Of January 27, 2011

Commissioner Williams moved to approve the minutes of the Regular Session of January 27, 2011, as presented. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **Approved.**

CORRESPONDENCE

The Board reviewed the following correspondence that is retained in the Clerk's Office:

NDEP, Notice of Proposed Action, Victoria Gold Corp. US, Cove Helen Rapid Infiltration Basins.

LAWRENCE KENNEDY, NDEP, to LC BOARD OF COMMISSIONERS, regarding Draft Air Quality Operating Permit to Construct for NV Energy - North Valmy Generating Station.

SCOTT SMALE, NDEP, to RAJAGOPAL KRISHNAMOORTHY, FALLON NAVAL AIR STATION, regarding Aircraft Collision Incident Report #100316-01.

LAWRENCE KENNEDY, NDEP, to LC BOARD OF COMMISSIONERS, regarding Draft Air Quality Operating Permit to Construct for NV Energy - North Valmy Generating Station.

PETE ANDERSON, NV DIVISION OF FORESTRY, to FORESTRY PARTNERS, regarding comprehensive suite of Statewide Forest Resource Assessments & Strategies.

REPORTS

The Board reviewed the following reports, which are retained in the Clerk's Office:

LANDER COUNTY CLERK - Monies Collected - January 2011.

AUSTIN JUSTICE OF THE PEACE - Fees Collected - January 2011.

ARGENTA JUSTICE COURT - Fines & Forfeits - January 2011.

LANDER COUNTY RECORDER - Fees Collected - January 1-31, 2011.

LANDER COUNTY TREASURER - Technology Fees - January 2011.

COMMISSIONER REPORTS

Commissioner Garner addressed his concerns regarding the placement of items on today's agenda. Commissioner Stienmetz explained that discussion of the projects was placed first on the agenda to allow the road/bridge and public works foremen to give their reports and, if they had nothing else on the agenda, to leave and get on with their day. Commissioner Garner noted the following for the record:

"A lot of times stuff comes up that we need to talk to them about that pertains to them throughout the day. Are they going to be here for that? We don't want to defer things because they're not here. If we have an issue come up I don't want to defer issues because they're not here to answer our questions."

STAFF REPORTS

Executive Director Gene Etcheverry provided the following staff report to the Board:

* The Executive Director & Ben Veach, Summit Engineering, plan to attend a meeting with the ACOE on February 15th

- in Sacramento, CA concerning the BM Flood Levee project;
- * The Executive Director's Office is working on a letter to be submitted to the Department of Taxation preserving LC's status as a guaranteed county under SCCRT & CTX tax formulas.

PAYMENT OF THE BILLS

Commissioner Garner moved to approve payment of the bills, check numbers 35702 through 35777 in the amount of \$968,045.94. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. Approved.

NV DMV & Public Safety - Fire Truck Licensure

Commissioner Garner moved to ratify payment to Nevada DMV & Public Safety, in the amount of \$6.00, to license a new County fire truck. Seconded by Commissioner Williams, the motion was voted and carried unanimously. Ratification Approved.

Bank Of America - Sheriff's Office Credit Card

Commissioner Garner moved to ratify payment to Bank of America, in the amount of \$359.10, for various purchases made on the Sheriff's Office credit card. Seconded by Commissioner Williams, the motion was voted and carried unanimously. Ratification Approved.

PAYROLL CHANGE REQUESTS

Payroll Change Request - Michael E. Johnson - Sheriff's Office

Commissioner Garner moved to approve a Level change for Michael E. Johnson, Sergeant, from a Grade Level II at a salary of \$27.03 per hour to a Grade Level III at a salary of \$28.39 per hour, effective February 21, 2011. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. Let the record reflect that the Undersheriff has approved the payroll change request and it has been reviewed by the Finance/Human Resource Department. Approved.

Payroll Change Request - Bartolo C. Ramos - Road & Bridge Department

Commissioner Garner moved to approve a probationary increase for Bartolo C. Ramos, Road & Bridge Foreman/South, from a bi-weekly salary of \$2,173.08 to a bi-weekly salary of \$2,281.73, effective February 7, 2011. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. Let the record reflect that the Executive Director has approved the payroll change request and it has been reviewed by the Finance/Human Resource Department. Approved.

PUBLIC COMMENT

LEDA board member **Shar Peterson** appeared before the Board to make the following comment for the record:

"It came to the attention of LEDA yesterday that the scoping process for the RMP is due tomorrow. I don't believe Lander County commented. LEDA's chosen to submit a letter asking them to accept our late comments. We all know how important it is to have a say on land use/resource management planning. At our cooperative meeting yesterday with the sustainable development group and BLM members, it was brought up that we need to make sure we're at the table and that we participate. I'd like to encourage you, as a commission, to make sure that Lander County participates in that process and, if you so choose, submit a letter of intent to write comments on that process."

COMMISSIONERS

- 1) **Discussion & Possible Action On The Following Projects/Services:** Let the record reflect the presence of Austin via telephone conference.

Airport Projects: Executive Director Gene Etcheverry stated that he had nothing to report regarding this item at the present time. **No Update.**

Ambulance Service: Executive Director Gene Etcheverry updated the Board regarding the status of various ongoing issues, concerns and problems with Battle Mountain's ambulance service. There was general discussion regarding the status of the new ambulance to be purchased for Austin. Commissioner Garner made the following comment for the record:

"I want to put on the next agenda Gene's position with the ambulance. He expressed last meeting that he's done with the ambulance. We need to re-evaluate Gene's role in the ambulance."

There was general discussion regarding the current condition of Rescue One; the mechanical/chassis work needed to repair the vehicle; and the estimated time line for completion of the repair work. **No Action - Update Only.**

Economic Development: Executive Director Gene Etcheverry updated the Board regarding the results of a BLM meeting held recently with the sustainable development group to discuss the FIND project. **No Action - Update Only.**

Public Lands: Executive Director Gene Etcheverry and Commissioner Williams, respectively, updated the Board regarding a public lands meeting held recently in Austin. Mr. Williams made the following comment for the record:

"We need to sit down with legal counsel and department heads to come up with an official map and give them direction on how to proceed to maintain these roads. Our official map is another issue we need to accept and have recorded."

Commissioner Bullock noted the following for the record:

"Unless you get a judicial writ that says you have the right-of-way, we can put the maps out there -

we can do whatever - and we may not have them because of the 10th Circuit Court of Appeals and the judgement they came down with. It's got to be judicial is what they're saying."

Commissioner Williams made the following statement for the record:

"The Forest Service set up a natural resource committee with Nye and Eureka Counties to administer their Title II funds. Lander County has never been involved in that. They have a million some odd dollars sitting in that account. There's a question whether or not that money can be spent in Lander County. This committee has Lander County people on it. We'll follow up and see where we're going with that."

No Action - Update Only.

Street/Road Projects: Let the record reflect the presence of Road and Bridge Foreman/North Donnie Negro for this item. Mr. Negro updated the Board regarding the status of various street/road projects and issues affecting Battle Mountain. **No Action - Update Only.**

Water/Sewer Projects: Let the record reflect the presence of Public Works Foreman Jacob Edgar for this item. Mr. Edgar updated the Board regarding the status of various water/sewer projects and issues affecting Battle Mountain; and advised the Board that an operator from SPB will be running the BMWWTF for one month to try to determine the cause of the facility's phosphorus problems. **No Action - Update Only.**

Culture & Recreation: Let the record reflect the presence of Public Works Foreman Jacob Edgar for this item. Mr. Edgar updated the Board regarding the status of various culture/recreation projects/issues affecting Battle Mountain. **No Action - Update Only.**

PUBLIC WORKS

- 2) **Discussion, Update & Possible Action Regarding Battle Mountain Arsenic Project:** Let the record reflect the presence of Austin, via telephone conference; Public Works Foreman Jacob Edgar; Steve Brigman, Shaw Engineering; Ralph Eaton, Legacy Construction; and Battle Mountain resident Jay Wintle for this discussion. Mr. Brigman updated the Board regarding the status of all phases of the Battle Mountain Arsenic project. The Board reviewed and discussed an engineer's drawing for a proposed secondary waterline looping pipeline through Mr. Wintle's property, as presented by Mr. Brigman. There was general discussion regarding the following issues: **a)** the pros and cons of installing a secondary waterline loop to tie into the existing 10" water line on Sheep Creek Road; and, **b)** the estimated cost to install a secondary waterline loop. Mr. Edgar addressed the following concern:

"We have one fire hydrant in an industrial park. I don't know how much sense that makes to you guys, but it doesn't make much sense to me."

The Board reviewed and discussed an engineer's drawing for proposed water line improvements in the Round Mountain Drive/Chukkar Lane area. There was general

discussion regarding the pros and cons of expanding Battle Mountain's water/sewer district boundaries. Let the record reflect that this matter was an update only, with no action taken. **No Action - Update Only.**

ROAD & BRIDGE SOUTH

- 3) **Discussion & Possible Action On Relocating Lander County Road & Bridge Department South From Current Facility To Newer Facility West Of Austin Currently Leased By NV Energy (Sierra Pacific Power Co.):** Let the record reflect the presence of Austin, via telephone conference; Road and Bridge Foreman/South Bert Ramos; and Building Official Joe Lindsey for this discussion. Executive Director Gene Etcheverry provided the following update to the Board:

- * A proposal to relocate the R&B Department South from its current facility to a newer facility, currently leased by NV Energy, is presented for consideration;
- * The R&B Department South is currently housed in a former NDOT facility on Main Street in Austin;
- * The yard is minimally sufficient to conduct operations & heating costs have become exorbitant;
- * Heavy equipment must travel the length of Main Street to be dispatched to any work site;
- * The newer facility, currently under a lease agreement w/NV Energy, would provide a somewhat larger area for yard space & a more modern building which should be more energy efficient;
- * The lease agreement expires December 31, 2018 & monthly payments to LC are currently \$666.03;
- * Using the current monthly payment amount, w/o the 4% per year escalation calculation, the approximate net present value of the remaining 94 months of the lease agreement is \$64,602.00;
- * The agreement is terminable by LC w/6 months written notice to NV Energy.

The Board reviewed and discussed various photographs of the facility currently being leased by NV Energy, as provided by Mr. Lindsey. There was general discussion regarding the following issues: **a)** the estimated cost to complete repair work needed at the facility; and, **b)** the estimated cost to install chain link fencing around the compound. Commissioner Garner moved to direct staff to develop a project cost estimate and time line for future consideration. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **Approved.**

FINANCE

- 4) **Budget Review & Update:** Let the record reflect the presence of Austin via telephone conference. Finance Director Rogene Hill presented the following update to the Board:

"I've reviewed costs through January and find no areas of concern. Accounts receivable for January are: landfill-\$18,565.00; ambulance-\$47,380.00; & water/sewer-\$20,900.00, for a total of \$86,845.00. We had 90 accounts 90 days delinquent; we also have 33 accounts 120 days delinquent. Budgets have been coming in super. I'm without a couple of them. I've started reviewing them - everything looks great at this point."

Let the record reflect that this matter was an update only. **No Action - Update Only.**

- 5) **Discussion & Possible Action Regarding Switching Cell Phone Service To Verizon:** Let the record reflect the presence of Austin, via telephone conference, and Accounting Specialist Cindy Benson for this item. Ms. Benson updated the Board regarding this matter, as follows:

"The cost comparison between the two is pretty much going to be the same whether we switch or we stay. I'd like to see us switch to Verizon. There may be a couple that will stay with Alltel for a while just because they're under contract right now."

Commissioner Garner moved to approve the change of Lander County cell phone service providers from Alltel/AT&T to Verizon. **Seconded** by Commissioner Bullock, the motion was voted and carried unanimously. **Approved.**

COMMISSIONERS

- 6) **Discussion & Possible Action Regarding Formalizing Lander County's Status As Cooperating Agency In Bureau Of Land Management (BLM) Resource Management Plan (RMP) Process:** Let the record reflect the presence of Austin via telephone conference. Executive Director Gene Etcheverry provided the following update to the Board:

- * A proposal to formalize LC's status as a cooperating agency in the BLM RMP process is presented for consideration;
- * The Executive Director received a letter from BLM inviting LC to become a Cooperating Agency for the duration of the RMP/EIS process;
- * The letter, while discussed in correspondence & Commissioner/staff reports, was not considered for formal action until this meeting;
- * The implementation process for NEPA, pursuant to CEQ regulations, requires cooperative consultation & collaborative public involvement in the preparation of environmental impact statements;
- * Pursuant to the provisions of 40 CFR, BM is inviting LC to become a cooperating agency in the Shoshone-Eureka & Tonopah RMP revisions;
- * Cooperating Agency status formalizes the relationship between LC & BLM to work together in the RMP/EIS process & provides for involvement in the process at levels above basic participation;
- * Cooperating Agencies assume the obligation to contribute staff to the RMP/EIS team & to assist with analyses involving disciplines or genres in which they possess specialized expertise or specific jurisdiction.

The Board reviewed and discussed a draft letter to the Bureau of Land Management regarding Lander County's cooperating agency status on the Battle Mountain District Resource Management Plan Revision, as presented by Mr. Etcheverry. Commissioner Garner moved to approve the letter; and authorize the Chair to sign. **Seconded** by Commissioner Bullock, the motion was voted and carried unanimously. **Approved.**

- 7) **Discussion & Possible Action Regarding Adoption Of Resolution 2011-03, A Resolution In Support Of Nevada Association Of Counties (NACO) Resolution In Opposition To Public Lands Management Practices As Articulated In Interior Secretarial Order 3310 To Designate "Wildlands" Without Congressional Approval:**

Let the record reflect the presence of Austin via telephone conference. The Board reviewed and discussed draft Resolution No. 2011-03, presented by Executive Director Gene Etcheverry, as follows:

**RESOLUTION NO. 2011-03
Of The Lander County Board Of Commissioners**

A RESOLUTION IN SUPPORT OF NEVADA ASSOCIATION OF COUNTIES RESOLUTION NO. 11-01; OPPOSING THE PUBLIC LANDS MANAGEMENT PRACTICES AS ARTICULATED IN INTERIOR SECRETARIAL ORDER 3310 & AUTHORITY CONTAINED THEREIN DIRECTING THE BUREAU OF LAND MANAGEMENT TO DESIGNATE "WILDLANDS" WITHOUT CONGRESSIONAL APPROVAL

WHEREAS, The Nevada Association of Counties (NACO) Board of Directors passed, approved & adopted Resolution 11-01 on the 10th day of January, 2011; and

WHEREAS, The State of Nevada has the highest percentage of public lands under federal management of all fifty states & Lander County encompasses over 95% of public lands under federal management; and

WHEREAS, The economy of Lander County, as with the State of Nevada, relies on multiple use of public lands for mining, agriculture, livestock grazing & recreation; and

WHEREAS, The public lands within Lander County, as with the State of Nevada, possess vast potential for production of green energy from renewable resources vital to help reduce the nations dependency on foreign energy; and

WHEREAS, The Secretary of Interior, Ken Salazar, issued Secretarial Order 3310 directing the BLM to designate appropriate areas with "wilderness characteristics" as "Wild Lands" & to manage them to protect wilderness values; and

WHEREAS, Secretarial Order 3310 further directs BLM to inventory lands that have "wilderness characteristics" & subsequently eliminate multiple uses of these lands until Congress decides whether or not to designate them as wilderness; and

WHEREAS, The Federal Land Policy & Management Act (FLPMA) mandates that BLM coordinate its "land use inventory, planning, & management actions" with local governments by requiring BLM to keep apprized of local land use plans, to assure consideration is given to local plans when federal plans are being developed, to attempt to resolve inconsistencies between federal & state local plans, to provide meaningful involvement to local government in the development/revision of plans, guidelines & regulations, & to compare local/federal plans to make sure they're consistent "to the maximum extent" with federal law.

NOW, THEREFORE BE IT RESOLVED, that the Lander County Board of Commissioners in concurrence with the Nevada Association of Counties (NACO) urges Secretary Salazar to rescind Secretarial Order 3310.

THEREFORE BE IT FURTHER RESOLVED, that the Lander County Board of Commissioners in concurrence with the Nevada Association of Counties (NACO) urges Congress to enact legislation stating unequivocally that congressional approval is required prior to any special designation of federally managed public lands.

Commissioner Garner moved to approve and adopt Lander County Commission Resolution No. 2011-03, a resolution in support of the Nevada Association of Counties (NACO) resolution in opposition to the public lands management practices as articulated in Interior Secretarial Order 3310 to designate "wildlands" without Congressional approval. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **Resolution Approved.**

Commissioner Williams presented testimony in favor of disseminating copies of the approved resolution to all national and state representatives.

- 8) **Discussion & Possible Action Regarding Update & Possible Upgrades To Lander County Web Site:** Let the record reflect the presence of Austin, via telephone conference, and Assessor Lura Duvall for this discussion. Commissioner Stienmetz made the following comment for the record:

"Have you guys looked at the website? It's very easy to manipulate around in. If you want any

changes or put information in, send Byron an e-mail and he'll put it in for you. If you want any changes done to the website talk to Lura, she'll tell Byron to do it."

Commissioner Garner addressed his concerns that the website's monthly calendar isn't being updated on an ongoing basis. There was general discussion regarding the following issues: **a)** the possibility of having a central person responsible for updating the website calendar and commissioner data; and, **b)** the possibility of keeping some type of archival record of commission meeting minutes and agendas on the County's website. Let the record reflect that this matter was discussion only. **No Action - Discussion Only.**

- 9) **Discussion & Possible Action Regarding Communications & Connectivity In Commission Chambers:** Let the record reflect the presence of Austin, via telephone conference, and Assessor Lura Duvall for this item. Commissioner Stienmetz noted the following for the record:

"My idea of what we wanted here was to be like Humboldt County and have a monitor that we could put our agenda items up on so that the people out there could see the agenda items."

Ms. Duvall provided the following update to the Board:

"I talked to Performance Computing and he says he can get us a mounted projector. They'll run a cable down this wall to where you can plug in the monitor jack to a laptop. That way when people come to do presentations, they can plug it in. It's going to cost about \$1,000.00 for a ceiling mounted projector. The only other thing I'm thinking about is electrical outlets to plug in your laptops. You already have wi-fi, so you don't have to worry about internet connection. I talked to Joe and he said we'll put in a work order and maybe put some jacks in."

Commissioner Garner presented testimony in favor of purchasing a newer model overhead projector for presentations. Let the record reflect that this matter was discussion only. **No Action - Discussion Only.**

- 10) **Presentation By Todd Kelly & Mike Watson Of Emergency Management Solutions Regarding Analytical & Evaluation Services With Respect To Lander County Emergency Services & Departments:** Let the record reflect the presence of Austin, via telephone conference; Sheriff Ron Unger; and Todd Kelly and Troy Easton, Emergency Management Solutions, for this discussion. Mr. Easton and Mr. Kelly, respectively, presented testimony regarding their qualifications, experience and expertise in providing analytical/evaluation services with respect to Lander County's emergency services and departments. There was general discussion regarding the following issues: **a)** the proposed scope of work for the analysis and time line for completion of the evaluation; and, **b)** ongoing problems with Lander County's emergency medical services. Mr. Easton presented testimony regarding the various services Emergency Management Solutions can provide to Lander County. Commissioner Bullock moved to direct staff to work with Emergency Management Solutions to formulate a proposal for an evaluation and analysis of Lander County emergency services. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **Approved.**

- 11) **Discussion & Possible Action Regarding Lander County's Issues/Concerns To Be Addressed At The 2011 Legislative Session:** Let the record reflect the presence of Austin via telephone conference. Executive Director Gene Etcheverry updated the Board regarding the status of various legislative issues/concerns of interest to Lander County. Commissioner Williams presented testimony regarding the status of Assembly Bills 1 and 49. There was general discussion regarding the potential financial impact of various assembly bills to Lander County. Let the record reflect that this matter was discussion only. **No Action - Discussion Only.**

EXECUTIVE DIRECTOR

- 12) **Discussion & Possible Action Regarding Proposal Of Ordinance Amending Lander County Code 15.18.040, Allowing For Issuance Of A Building Permit In Areas With Access At A Standard Lower Than The Lander County Rural Road Standard; & Other Matters Properly Relating Thereto:** Let the record reflect that this matter was deferred to a future commission meeting. **Deferred.**
- 13) **Discussion & Direction Regarding Action To Be Taken On Community Development Specialist Position:** Let the record reflect the presence of Austin via telephone conference. Executive Director Gene Etcheverry provided the following update to the Board:

- * Direction from the Board re: the vacant Community Development Specialist position is being requested;
- * The position has been vacant since resignation of the incumbent January 10, 2011, with the Executive Secretary providing coverage of major duties during the interim period;
- * The position is an exempt, department head position not covered under a collective bargaining agreement;
- * Duties/responsibilities of the Community Development Specialist are varied & involve planning, zoning, economic development projects/programs & community revitalization projects/programs;
- * The job description also reflects duties/responsibilities in the business/community services area such as research/issuance of business licenses, research of parcel maps, creation of Mylars & development, review & oversight of development agreements;
- * The position is also responsible for administration of the Yucca Mountain Oversight Program;
- * Fifty percent of the funding for the position is provided through DOE Yucca Mountain Oversight Program;
- * Due to the varied responsibilities of the position, the Executive Director is recommending a change in title for the position & a streamlining of job duties/responsibilities to more accurately reflect the existing work plan;
- * It is unrealistic to combine the duties of the position with those of the Executive Secretary & provide a reasonable environment for success.

Mr. Etcheverry recommended that the Board approve changing the title of the Community Development Specialist position to Community Services Officer and re-align the job duties/responsibilities to remove GIS and all other duties/responsibilities which typically are the charge of other positions or contractors; and requested that the Board ratify appointment of Gina Little to the position of Community Services Officer at a salary of \$44,000.00 with a 10% increase after completion of professional development programs and one years' successful performance in the position. Commissioner Bullock requested clarification concerning Ms. Little's qualifications for the position; and asked if someone

else might be better qualified for the job. Mr. Etcheverry made the following comment for the record:

"If we went out, I'm sure we could find people with more qualifications, maybe. We need somebody in there because we've got a planning commission and LEDA that have a lot going on. That's my recommendation. I need ratification, I'm the person who appoints department heads; you guys get to ratify them. I'll make sure she attends certain community development, planning and zoning type courses. I'll hook her up with people in the region that trained the incumbent. The range for the position is \$39,500.00 to \$51,800.00. She has the basic knowledge, skills and abilities to continue the program, so she's more than entry level. It will take a while for her to get to Journeyman Level, which would be closer to the \$51,800.00."

Commissioner Garner moved to approve changing the title of the Community Development Specialist position to Community Services Officer and re-align the job duties/responsibilities to remove GIS duties and all other duties and/or responsibilities which are typically the charge of other positions or contractors; and ratify the Executive Director's appointment of Gina Little to the position of Community Services Officer at a salary of \$44,000.00 with a 10% increase after completion of professional development programs and one year's successful performance in the position. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. Approved.

- 14) **Discussion & Ratification Of Agreement For Professional Services Between Lander County & J-U-B Engineers, Inc. For Apron Reconstruction Design Phase, Federal Aviation Administration (FAA) AIP #3-32-0026-12 For Austin Airport:** Let the record reflect the presence of Austin, via telephone conference, and Lew Lott, J-U-B Engineers, Inc., for this discussion. Executive Director Gene Etcheverry updated the Board regarding this matter, as follows:

- * An agreement for professional services between LC & J-U-B Engineers, Inc. for apron reconstruction design, AIP #3-32-0026-12 for the Austin Airport is presented for consideration;
- * The agreement was approved at the 1/13/2011 commission meeting, signed by the Chairman & recorded;
- * Ratification is appropriate due to the incomplete wording of the 1/13/2011 commission meeting agenda item.

Mr. Lott noted the following for the record:

"I'm confused. We're not doing an apron rehab at Austin. What was approved is a fuel system for Austin. I believe on the 13th you approved pavement rehab for crack sealing and seal coating."

Mr. Lott reviewed the fully executed agreement for professional services between Lander County and J-U-B Engineers, Inc. for apron reconstruction design, AIP #3-32-0026-12, for the Austin Airport; and made the following comment for the record:

"Somehow this front page got...this is the pavement rehab. The one I have has a different front page. I don't know where this came from. Somebody slip-sheeted a different page on your front one. I got one back that has a different front page - it has the original one. Anyway, we'll sort through this. But you've already approved the pavement rehab at the Austin Airport. That had an environmental. Can we please change that to ratification of pavement rehab at Austin? That's the one you approved. You're only going to have one project that's federally funded, so the one you're ratifying you're going to get reimbursed."

Let the record reflect that this matter was deferred to a future commission meeting.
Deferred.

- 15) **Discussion & Ratification Of Agreement For Professional Services Between Lander County & J-U-B Engineers, Inc. For Apron Reconstruction Design Phase, Federal Aviation Administration (FAA) AIP #3-32-0001-21 For Battle Mountain Airport:** Let the record reflect the presence of Austin, via telephone conference, and Lew Lott, J-U-B Engineers, Inc., for this discussion. Executive Director Gene Etcheverry provided the following update to the Board:

- * An agreement for professional services between LC & J-U-B Engineers, Inc. for apron reconstruction design, AIP #3-32-0001-21, for the BM airport is presented for consideration;
- * The agreement was not presented for consideration with J-U-B Engineers, Inc. task orders during the commission meeting of January 27, 2011;
- * The agreement was inadvertently included with the original document package, signed by the Vice Chairman & recorded;
- * Ratification is in order to appropriately consider the agreement as an agenda item before the Commission.

The Board reviewed and discussed the proposed scope of work for the Battle Mountain Airport apron reconstruction project, as presented by Mr. Lott. Commissioner Bullock moved to ratify the Agreement for Professional Services between Lander County and J-U-B Engineers, Inc. for the apron reconstruction design phase, Federal Aviation Administration AIP #3-32-0001-21, for the Battle Mountain Airport which was inadvertently signed and recorded on January 27, 2011. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **Ratification Approved.**

BOARD APPOINTMENTS

- 16) **Discuss & Approve/Disapprove Appointments To 2010-2011 Advisory Board, Categories 1, 2, 3 & 4; & Other Matters Properly Relating Thereto:** Let the record reflect the presence of Austin via telephone conference. The Board reviewed and discussed two letters received requesting appointment to the various 2010-2011 Advisory Boards, presented by Executive Director Gene Etcheverry, as follows:

Philip Gray - requesting reappointment to the LC Advisory Board to Manage Wildlife;
Judie A. Allan - requesting appointment to the LC Regional Transportation Commission.

Commissioner Garner moved to appoint Judie A. Allan to the Lander County Regional Transportation Commission; and reappoint Philip Gray to the Lander County Advisory Board to Manage Wildlife. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **Appointments Approved.**

CLOSED LABOR SESSION PURSUANT TO NRS 388.220

- 17) **Closed Labor Session With Management Representatives To Receive Direction**

From Lander County Board Of Commissioners On Upcoming Labor Negotiations:

Commissioner Garner moved to recess the meeting of the Board of Lander County Commissioners into Closed Session. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. Let the record reflect that no action was taken during the Closed Session.

Let the record further reflect that Commissioner Bullock moved to recess the Closed Session into Regular Session. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **No Action.**

ADJOURNMENT

There being no further business before the Board at this time, Commissioner Bullock moved to adjourn the meeting of February 10, 2011. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **Meeting Adjourned.**

**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.