

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 24, 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 Bullock moved to approve the Agenda Notice, as posted. Seconded by Commissioner Garner, the motion was voted and carried unanimously. Approved.

APPROVAL & ACCEPTANCE OF MINUTES

Regular Session Of February 10, 2011

Commissioner Mason moved to approve the minutes of the Regular Session of February 10, 2011, as presented. Seconded by Commissioner Garner, the motion was voted and carried unanimously. Approved.

CORRESPONDENCE

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

PUCN, Notice of Informal Workshop, Wed., March 16, 2011, regarding modification of SPPC's Schedule No. IS-2.

JOE SAWYER, NDEP, to BRIAN MUSSER, BARRICK CORTEZ INC., regarding Fall 2010 Monitoring & Remediation Status/Supplemental Free-Phase Product Evaluation Report, Barrick Cortez Inc. Mill #1 Facility, Crescent Valley, NV.

JOE SAWYER, NDEP, to PARK BLAIR, AL PARK PETROLEUM, INC., regarding 2010 4th Quarter Report, BM Conoco, 501 E Front Street, BM, NV.

NDEP, Notice of Decision, Water Pollution Control Permit #NEV2007104, Klondex Gold & Silver Mining Company, Fire Creek Exploration Project.

REPORTS

There were no reports for the Board's review.

COMMISSIONER REPORTS

Commissioner Williams updated the Board regarding a Nevada Magazine article he read recently concerning Highway 50.

Commissioner Bullock updated the Board regarding a Nevada Works meeting he attended recently on behalf of Lander County.

Commissioner Garner updated the Board regarding the outcome of a Lander County Safety meeting he attended recently; and addressed his concerns regarding Lander County's non-compliance with various safety issues.

STAFF REPORTS

Executive Director Gene Etcheverry updated the Board regarding the following meetings he attended recently on behalf of Lander County: **a)** a meeting with the Army Corps of Engineers to discuss the Battle Mountain Levee project; and, **b)** a legislative hearing on SB 38, Lander County's ambulance bill. Mr. Etcheverry noted the following for the record:

"There's been an issue with regard to the BM Stock Car Association building a restroom facility at the motor sports park. The reason is because of water/health situations that go with serving food to crowds of people attending motor sports events. CTA gave grant money to the Stock Car Association to build this facility. It upset a local contractor or two. Two major questions - is it something that should go out to bid? Not necessarily. That was a grant of money to a private organization. However, since it's public money and since we're dealing with something that will eventually become a public work by definition, there's enough question to where it would be a better thing/best practice for the Stock Car Association to go out to bid. All they need to do is have a general bid spec go out and be distributed to four contractors licensed to do such work and then they pick. The end result of that building becoming a public work will meet statutory requirements. Lastly, it has to meet requirements of our Building Department and ICBO as well."

PAYMENT OF THE BILLS

Commissioner Garner moved to approve payment of the bills, check numbers 35808 through 35917 in the amount of \$187,272.62. Seconded by Commissioner Bullock, the motion was voted and carried with Commissioners Stienmetz, Bullock, Garner and Mason voting "AYE" and with Commissioner Williams abstaining from the vote on check number 35913 payable to himself in the amount of \$239.60. Approved.

Wells Fargo Remittance Center - County Credit Card

Commissioner Garner moved to ratify payment to Wells Fargo Remittance Center, in the amount of \$88.94, for various purchases made on the County credit card. Seconded by Commissioner Mason, the motion was voted and carried unanimously. Ratification Approved.

PAYROLL CHANGE REQUESTS

Payroll Change Request - Gina Little - Community Development

Request for approval of a promotion for Gina Little, from Executive Secretary, a Grade 20 at a salary of \$16.08 per hour, to Community Services Officer, at a bi-weekly salary of \$1,692.31, effective February 21, 2011, was approved by consensus of the Board. 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.

Payroll Change Request - Carly Wahrenburg - District Attorney's Office

Request for approval to hire Carly Wahrenburg, Legal Secretary, a Grade 17 at a salary of \$13.24 per hour, effective February 22, 2011, was approved by consensus of the Board. Let the record reflect that the District Attorney's Office has approved the payroll change request and it has been reviewed by the Finance/Human Resource Department. Approved.

Payroll Change Request - Wayne Noyes - Road & Bridge Department

Request for approval to hire Wayne Noyes, Maintainer II, a Grade 19 at a salary of \$14.31 per hour, effective February 9, 2011, was approved by consensus of the Board. Let the record reflect that the Road and Bridge Department has approved the payroll change request and it has been reviewed by the Finance/Human Resource Department. Approved.

Payroll Change Request - George Tiller - Road & Bridge Department

Request for approval to hire George Tiller, Part-Time Gatekeeper, a Grade 16 at a salary of \$12.72 per hour, effective February 14, 2011, was approved by consensus of the Board. Let the record reflect that the Road and Bridge Department has approved the payroll change request and it has been reviewed by the Finance/Human Resource Department. Approved.

Payroll Change Request - Arthur Vincent Clark III - Sheriff's Office

Request for approval to hire Arthur Vincent Clark III, Part-Time Animal Control Officer, at a salary of \$13.43 per hour, effective February 7, 2011, was approved by consensus of the Board. 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 - Matthew Levi - Sheriff's Office

Request for approval of a Level change for Matthew Levi, Cat 1, from a Grade Level 1 at a salary of \$20.61 per hour to a Grade Level 2 at a salary of \$21.73 per hour, effective March 7, 2011, was approved by consensus of the Board. 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.

PUBLIC COMMENT

There was no one present for public comment.

PUBLIC HEARING

- 1) **Public Hearing & Approve/Disapprove Ordinance Amending Lander County Code Title 12, By Adding A New Chapter Thereto, Chapter 3, By Amendment, To Provide For The Assigning Of Addresses & The Naming Of Streets; & Other Matters Properly Relating Thereto:** Commissioner Garner moved to open the public hearing. Seconded by Commissioner Williams, the motion was voted and carried unanimously. Chairman Steven Stienmetz called the public hearing to order. Let the record reflect the presence of Austin, via telephone conference, and Assessor Lura Duvall for this item. The Board reviewed and discussed proposed Ordinance No. 2010-6, an ordinance providing for address assignments and street naming, as presented by Executive Director Gene Etcheverry. Mr. Etcheverry noted for the record that the District Attorney's Office has suggested that a more versatile and manageable approach would be to handle this issue through adoption of a resolution rather than passage of an ordinance. Commissioner Williams made the following comment for the record:

"In the document provided, there's a difference in the way the explanation of the streets are between .020 and .030. In .020 it calls all avenues to be north/south and streets to be east/west. When you go to .030 it gets them backwards. We talked about this ordinance - we're not trying to change what we've already got. Nobody wants to change their address as it is today. This would be for future stuff, but when you read down in this portion it says that anybody who's not in compliance with this would be in trouble and would have to be put in jail or something-a gross misdemeanor or fined \$500.00. That's what it says and I disagree with that. I do agree we need some kind of policy to give correct instructions."

Ms. Duvall noted that the Assessor's Office has been assigning physical addresses for Lander County since 1986; and stated that she *"is not opposed to doing it as a resolution"*, she *"just wants something in place"*. Deputy District Attorney James Barnes noted the following for the record:

"Humboldt County has done something similar. Instead of putting it into an ordinance, which sets it in stone and makes it very difficult to change, they've done a manual that's approved by the Board through a resolution. That's much easier to change and make workable."

Commissioner Williams moved to close the public hearing. Seconded by Commissioner Garner, the motion was voted and carried unanimously. Commissioner Bullock moved to disapprove the ordinance amending Lander County Code Title 12, by adding a new chapter thereto, Chapter 3, by amendment, to provide for the assigning of addresses and the naming of streets. Seconded by Commissioner Mason, the motion was voted and carried unanimously. Ordinance Disapproved.

FINANCE

- 2) **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:

"Four ambulance accounts were sent to collections 2/10 in the amount of \$2,306.00, bringing current collection agency accounts to \$11,228.00. The last couple of weeks I've been reviewing budget submissions. I met with Tri-County Juvenile and Ron and Robert to discuss their budgets. Everything's on pace. We'll do the budget workshop March 16th, and if we need it, the 17th."

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

COMMISSIONERS

- 3) **Discussion & Possible Action To Designate County Commissioner(s) As POOL/PACT Representative & Alternate:** Let the record reflect the presence of Austin via telephone conference. Executive Director Gene Etcheverry updated the Board regarding the need to appoint a commissioner and alternate to the POOL/PACT Board. Finance Director Rogene Hill noted that the POOL/PACT Board meets either quarterly or semi-annually. Commissioner Williams offered to be the POOL/PACT representative and Commissioner Stienmetz offered to be the POOL/PACT alternate. Commissioner Williams so moved. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. Approved.
- 4) **Update On Mission & Current Activities Of Lander County Sustainable Community Development Committee:** Let the record reflect the presence of Austin, via telephone conference; Jerry Smith, Chairman, Lander County Sustainable Community Development Committee; and Rod Davis, Vice Chairman, Lander County Sustainable Community Development Committee, for this discussion. Mr. Smith and Mr. Davis, respectively, presented the following overview to the Board:

MINING & THE COMMUNITY
A Partnership Within Northern Nevada

- I. **LC Sustainable Development Committee Partnership**
 - UNR Cooperative Extension - BLM - LC
 - Mining Community - LEDA - Private Industry - Interested Public
- II. **LC Sustainable Development Committee Projects**
 - FIND - GIS Mapping - Community Business Enhancements - Web Site Development
 - REDS - Entrepreneurial Study - Community Needs Assessment
 - Housing Study Gap Analysis - Leakage Study - LEDA Collaboration
- III. **Northern Nevada Partnership Sustainable Development Funding**
- IV. **Status Of Planning Efforts**
 - Economic Data Gathering Projects
 - Development of Strategic Plans

Commissioner Williams presented testimony in favor of incorporating the six abandoned mine sites in southern Lander County into the study. Mr. Smith asked Commissioner Williams to provide the names and locations of the six abandoned mine sites to the Sustainable Development Committee for possible inclusion in the study. Let the record reflect that this matter was a presentation only. **No Action - Presentation Only.**

- 5) **Presentation By Doug Furtado, BLM, Mt. Lewis Field Office, On Battle Mountain District Resource Management Plan (RMP):** Let the record reflect the presence of Austin, via telephone conference; Doug Furtado, Battle Mountain BLM District Manager; Chris Worthington, Battle Mountain BLM RMP Project Manager; and Karen Weiss, Battle Mountain BLM Associate District Manager, for this item. Mr. Furtado presented a brief overview regarding BLM's proposed Shoshone-Tonopah Resource Management Plan and related projects; and made the following comment for the record:

"It's critical to have counties' input in developing this document. This will be a more comprehensive planning process. We'll be bringing in all new laws, regulations and BLM policies. It's going to provide a framework for how we're going to manage the public lands and the different programs we manage."

Mr. Worthington presented testimony regarding BLM's RMP process; and presented a brief overview regarding the status of BLM's RMP effort. Mr. Furtado noted the following for the record:

"All counties have master plans to describe/define how the county's going to approach public lands management. By regulation we're required to consider those plans to the maximum extent possible. I commit to you that's what we're going to do. We're not going to purposefully dismiss county plans; we're going to take a hard look at those to see where the counties' planning decisions can be addressed and mirror what we want to do on the public lands through this planning process. There's going to be areas that we're not going to be able to address. If there's something in a county plan that conflicts with federal law, obviously we're not going to be able to bring some of those things into the RMP process.

Road issues/access will be a big part of the RMP. I want you to know my perspective on that. I'm not in favor of closing any public lands; I am in favor of limiting access to existing roads/trails. That's going to be one of many designations that'll occur within the planning process. I'm committed to providing access to the public so they can use public lands. I'm also focused on managing that use so it's done appropriately. RS2477 is not something we're going to be able to address in the RMP because there's a moratorium established by Bruce Babbitt, Secretary of the Interior, under the Clinton Administration that's still in effect. My vision for dealing with roads and those types of issues in this RMP process will be based on developing a framework for how we want to develop travel/transportation management. Once the ROD's signed, my goal

is to then work with individual counties to have you tell us which roads you've historically maintained and which roads you assert a RS2477 right on so we can at least recognize that in a transportation/travel management plan."

There was general discussion of how Lander County's RS2477 claims could be incorporated into BLM's RMP process. Mr. Furtado made the following statement for the record:

"I'm not here to create barriers. If you look at the fine line of our right-of-way grant, it says this grant does not affect any prior/existing valid right. That includes your assertions to an RS2477. When the time comes that I have the ability to act upon those, we can easily do that. One thing to remember for a right-of-way grant, it gives you the opportunity, by stipulations, to do more things out there. If you have a recognized RS2477 it's limited to the existing disturbance that occurred prior to the passage of FLPMA."

Mr. Furtado presented testimony regarding his vision for implementing the RMP through the travel management process; and noted the following for the record:

"There's going to be multiple uses; we're going to manage it. Sustainable development is going to be introduced in our land use plan. That effort will be documented/available for implementation in the future. I'd recommend putting together a separate committee/sub-group to work directly with Chris in this process."

Commissioner Williams stated that the Board of Commissioners "*represent the people. This is your sub-group right here.*" Commissioner Mason addressed the following concern:

"We sent a letter to BLM in January on that road leading out of Austin - 173. I'm bringing this up for the way you responded. We sent you a letter saying we've maintained this road forever. You guys put it back out to grant for a private party."

Mr. Furtado responded to Commissioner Mason's concern, as follows:

"My goal is not to create problems with the County on RS2477. For this particular project, because I can't act on or adjudicate RS2477 claims right now, we approached the County Commission about following the same model used in Jersey Valley for Grass Valley. If the County's unwilling to do that, then I have to insure that as a condition of permitting activities/projects on public lands that, within a certain proximity around the project, the roads are maintained properly. I have to hold the company accountable for the roads they're having an affect on as they use public lands. When the project's over and the life of the project is gone, those requirements go away. That's what we're doing. We're not issuing new rights-of-way grants on current county maintained roads. I have to put appropriate conditions of approval on those permits to make sure they're held accountable for mitigating impacts caused as they carry out their activities."

Mr. Furtado presented testimony regarding his vision for working with Lander County in the future. There was general consensus in favor of including this issue as a quarterly, or more often, standing agenda item. Let the record reflect that this matter was an update only. No Action - Update Only.

- 6) **Discussion & Possible Action To Accept Draft Lander County Water Resources Plan:** Let the record reflect the presence of Austin, via telephone conference; Public

Works Foreman Jacob Edgar; and Rex Massey, DOE Consultant, for this discussion. Mr. Massey presented the following overview to the Board:

LANDER COUNTY WATER RESOURCES MANAGEMENT PLAN

- I. **Purpose Of Plan**
 - Identify current/future water demands for municipal/industrial, irrigation, mining & other domestic water uses within LC.
 - Identify current water use, water quality & water quantity in LC.
 - Identify committed water resources by place & manner of use.
 - Identify critical water resource issues & establish priorities for areas throughout LC.
 - Establish water resource policies & action programs.
- II. **Water Goals & Objectives**
 - Plan for development & use of sustainable water supplies for long-term growth & development of LC.
 - Protect surface & groundwater quality in LC.
 - Ensure proper floodplain/watershed management to protect health, property, water quality & environment.
- III. **Contents**
 - Introduction - Water Resource Summary - Population & Water Use - Long-Term Water Resource Needs
 - Public Water Systems - Policies & Action Plans for Water Management - Appendix A
- IV. **Important Issues**
 - Protect natural recharge areas, groundwater quality/quantity in lower Reese River Valley & minimize impacts.
 - Future service area expansion for BM water system.
 - Implementation of well-head protection areas & locations of groundwater wells.
 - Protect Reese River watershed including Hydrobasins 56, 57, 58 & 59 which are connected by groundwater underflow & surface flow from Reese River.
 - Acquire & hold sufficient water resources to serve potential system expansion areas.
 - Meet financial requirements associated with arsenic treatment & other regulatory standards.
 - Prevent man-made contamination of water resources through development of well-head protection program & watershed management.
 - Maintain adequate water resources for future growth & development in LC.
 - Expand opportunities to increase agricultural operations.
 - Protect regional ground & surface water resources from exportation to areas outside LC.
- V. **Policies & Action Programs**
- VI. **Appendix A - Hydrographic Basin Summary**
 - Surface & groundwater quantity & quality - Water Rights - Perennial Yield
 - Groundwater Flow - Other Information

The Board reviewed and discussed the draft Lander County Water Resources Plan, as presented by Mr. Massey. Commissioner Williams moved to accept and approve the draft updated Lander County Water Resources Plan, incorporating any corrections or revisions agreed upon during discussions on this item; and direct the contractor to prepare a final copy. Seconded by Commissioner Mason, the motion was voted and carried unanimously. Approved.

TREASURER

- 7) **Discussion & Possible Action On 2011 Escrow Resolution: Authorizing Escrow Agreement For Defeasance & Call For Prior Redemption Of Certain Of County's Outstanding Securities; Providing Certain Details In Connection Therewith; & Providing Effective Date:** Let the record reflect the presence of Austin, via telephone

conference, and Treasurer Grace Powrie for this discussion. Executive Director Gene Etcheverry provided the following update to the Board:

- * A 2011 escrow resolution authorizing an escrow agreement for defeasance & call for prior redemption of certain LC outstanding securities, providing certain details in connection therewith & providing the effective date, is presented for consideration;
- * The escrow resolution will put into effect an escrow agreement for defeasance & call for prior redemption of certain of the County's outstanding securities, specifically, Public Safety Facility Bonds.

The Board reviewed and discussed draft Resolution No. 2011-04, a resolution designated as the "2011 Escrow Resolution", authorizing an escrow agreement for the defeasance and call for redemption of certain of the County's outstanding securities, providing certain details in connection therewith, and providing the effective date hereof, as presented by Ms. Powrie. Commissioner Garner moved to adopt and approve the 2011 escrow resolution, authorizing an escrow agreement for the defeasance and call for prior redemption of certain of the County's outstanding securities, providing certain details in connection therewith, and providing the effective date. Seconded by Commissioner Mason. Deputy District Attorney James Barnes stated that the DA's Office "wants to make sure that page 3 of the escrow agreement gets the dollar amounts put in." Ms. Powrie provided wording for three proposed motions for the Board's consideration. Commissioner Garner moved to withdraw his previous motion. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. Approved.

Commissioner Garner moved to approve and accept the defeasance of Various Bonds letter; and authorize the Chair to sign. Seconded by Commissioner Williams, the motion was voted and carried unanimously. Approved.

Commissioner Garner moved to approve and adopt the Defeasance of Public Safety Refunding Bonds, Series 2004; and authorize the Chair to sign. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. Approved.

Commissioner Garner moved to approve and adopt the 2011 Escrow Resolution No. 2011-4; and authorize the Chair to sign. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. Resolution Approved.

EXECUTIVE DIRECTOR

- 8) **Discussion & Possible Action Regarding Lander County's Good Faith Payment To US Army Corps Of Engineers Per Existing Project Cooperation Agreement Between USACE & Lander County:** Let the record reflect the presence of Austin, via telephone conference, and Ben Veach, Summit Engineering, for this discussion. The Board reviewed and discussed the following background information:

- * A proposal for LC to make a "good faith" payment to USACE, per provisions of existing PCA, is presented for consideration;
- * Provisions of the existing PCA allow for expenditure of resources by both USACE & LC for activities relative

- to completion of the BM Levee Project;
- * Activities completed by the USACE under the agreement evidence expenditure of over \$960,000, of which LC's share is approximately \$340,000;
- * USACE has formally requested payment on LC's share of expenditures in the amount of \$286,000;
- * The amount is reduced due to decision to continue the project under the agreement;
- * The "good faith" payment is acceptable to USACE to secure current allotment of funds for project, approximately \$900,000, & demonstrate the "good faith" of LC in continuing the project through to completion;
- * Meetings w/USACE staff have indicated that a "good faith" payment in the amount of \$50,000 would be acceptable to demonstrate LC's commitment to the project.

Commissioner Bullock moved to approve expenditure of funds, in the amount of \$50,000.00, for a good faith payment to be made by the County to the US Army Corps of Engineers, under provisions of existing Battle Mountain Levee Project Cooperation Agreement between USACE and Lander County. Seconded by Commissioner Garner, the motion was voted and carried unanimously. Approved.

- 9) **Discussion, Update & Status Relating To Battle Mountain Levee Project Provided By Summit Engineering To Include Results Of USACE Kick-Off Meeting:** Let the record reflect the presence of Austin, via telephone conference, and Ben Veach, Summit Engineering, for this discussion. Mr. Veach updated the Board regarding the outcome of an Army Corps of Engineers Kick-off meeting he attended February 15, 2011 in Sacramento, California; and noted the following for the record:

"We outlined some things that had to be done to update plans and bring them to current standards. The Corps of Engineers is going to require the environmental site assessment be redone. They also want an update to the geotechnical report to account for changes in the alignment of the levee, which we figure will be minor and more of an extension to the south. We discussed who was going to certify the project when complete. They recommend strongly that the local non-federal sponsor provide that certification. It was a very encouraging meeting. Everything I was hoping to see happen seemed like it was going forward. They're very much interested in pushing the work to the local level so it would be more of a county-run project."

The Board directed staff and Summit Engineering to continue work on the Battle Mountain Levee project and to provide regular updates on the project. Let the record reflect that this matter was an update only. No Action - Update Only.

- 10) **Presentation & Possible Proposal For Services To Lander County By Emergency Management Solutions:** Let the record reflect the presence of Austin, via telephone conference; Clerk Sadie Sullivan; Executive Secretary Tammy Dimitroff; and Emergency Management Solutions representatives Sheenia Stuart, Cynthia Shelton, Troy Easton, and Todd Kelly for this discussion. The Board reviewed and discussed the following proposal from Emergency Management Solutions to provide emergency management services to Lander County, as presented by Mr. Kelley:

EMERGENCY MANAGEMENT SOLUTIONS
Enhancing Business Value Plan

- I. Review
 - The LC Crisis

- Crisis Implications
- II. **Phase I - Assume Administrative Role For Ambulance**
 - Program evaluation & discovery.
 - Implementation/execution of new emergency & safety management system.
 - Continued maintenance & support of new emergency & safety management system.
- III. **Phase II**
 - After 90 days of discovery, provide plan for implementation & execution based on findings.
 - Implementation & execution of new emergency & safety management system based on findings.
 - Develop plan of action for maintenance & support to kick in after completion of phase II.
- IV. **Phase III**
 - Maintenance & continued support of new emergency & safety management system.

The Board reviewed and discussed a draft EMS Consultant(s) Agreement, as presented by Mr. Kelly. Mr. Kelly noted the following for the record:

"You're in a crisis. I can't emphasize that enough. There are many regulatory and compliance issues you're facing that could have serious consequences to the county. There are many liabilities to those who work in your public safety arena and on down the line. There's been an overall system communications breakdown. Your ambulance operations are on the verge of collapse."

There was general discussion regarding the following issues: **a)** the proposed scope of work for the first phase of the consulting agreement, in the amount of \$3,250.00 per day plus per diem, lodging and mileage; and, **b)** various OSHA regulations Lander County is currently in violation of. Ms. Dimitroff stated her support for working with the Emergency Management Solutions team. Commissioner Bullock addressed his concerns regarding the total cost for the first phase of the proposal. There was general discussion regarding the pros and cons of accepting the proposal submitted by Emergency Management Solutions. Ms. Shelton made the following comment for the record:

"I've already seen quite a few legal issues that I'd like to bring to the District Attorney's attention. It's just that I refuse to research them any further unless you guys bring this forward. That gives the District Attorney the opportunity to also correct these issues within that time frame as well. I've also seen within the budget things that don't mesh when you look into forensic accounting. There's padding - there's something not right. We could even possibly be correcting your budget at the same time as to what's being spent."

There was further extended discussion regarding the pros and cons of accepting the proposal submitted by Emergency Management Solutions. Austin resident **Karlene Andreola** appeared before the Board to make the following comment for the record:

"You have to have people actually come out for the service, get the training and have continuing education in place. A lot of people have lost the ability to run on the ambulance because they don't have the continuing education fulfilled. We don't have that education system in place."

Executive Director Gene Etcheverry noted the following for the record:

"I'm 100% behind this. This service and Austin used to be places where people came for EMS education. Now we don't have enough to field an ambulance in Austin legally; and we're down to one crew and one bus here in Battle Mountain. We could hire a director and think we fixed it. A neighboring county did just that, very knowledgeable individual, and they can't field a bus from one of their two ambulance services

most of the time. They fall under Battle Mountain's area of service."

Ms. Stuart presented testimony regarding the various services Emergency Management Solutions can provide to Lander County. Mr. Kelly explained that getting the Safety Committee up and running is part of the proposed scope of work for phase 1. Finance Director Rogene Hill updated the Board regarding monies currently available in the budget for the consulting agreement. Ms. Dimitroff made the following comment for the record:

"I understand the urgent need. As a taxpayer I feel they're bringing a presentation/proposal for these services. I think this contract should be reviewed carefully before we make a decision with that type of money. I don't think we should wait too long; it needs to be done in a timely manner. I feel there should be more discussion/review."

Ms. Sullivan noted the following for the record:

"There was a company I worked for that had a financial consultant come in. It was an excellent company. They came in, did the analysis and did great. My only suggestion is that if you follow through on it, make sure you carry it through from year to year. This firm didn't and the money was just wasted. I think they have a lot to offer, but as a commission - just follow through on it."

Commissioner Stienmetz suggested that this matter be deferred to a future commission meeting to allow for further review of the agreement and proposal by the District Attorney's Office. There was general discussion regarding an assembly and senate bill currently in legislature that deal with EMS issues. Let the record reflect that this matter was a presentation only, with no action taken. **No Action - Presentation Only.**

- 11) **Discussion & Possible Action Regarding Oversight Of Lander County Ambulance Services & Possible Contract For Management By Emergency Management Solutions:** Let the record reflect the presence of Austin, via telephone conference; and Emergency Management Solutions representatives Sheenia Stuart, Cynthia Shelton, Troy Easton, and Todd Kelly for this discussion. Executive Director Gene Etcheverry updated the Board regarding this matter, as follows:

"We have a proposal before us. We've seen what that proposal has to offer. They've done their preliminary assessment and see the need for possible management oversight of both ambulance services. In 90 days we could expect substantial/substantive change in reorganization and a good foundation to proceed."

Deputy District Attorney James Barnes stated that the District Attorney's Office should have the draft agreement reviewed by the next commission meeting. There was general discussion regarding the following issues: **a)** the total cost for Emergency Management Solutions to oversee Lander County's emergency services; **b)** the need to obtain firm figures for per diem, lodging, mileage and other incidental expenses; and, **c)** the need for Emergency Management Solutions to provide references/credentials to the County. Let the record reflect that this matter was deferred to a future commission meeting to allow for further review of the agreement by the District Attorney's Office. **Deferred.**

LOCAL EMERGENCY PLANNING COMMITTEE

- 12) **Discussion & Possible Action Regarding Acceptance Of LEPC Application For State Emergency Response Commission, Planning, Training & Equipment (PTE) For FY 2012, By Authorizing Signature Of State Emergency Response Commission (SERC), Certified Assurances Form:** Let the record reflect the presence of Austin, via telephone conference, and Mark Langston, LEPC Chairman, for this item. The Board reviewed and discussed the FY 2012 SERC Planning, Training and Equipment Grant application, in the total amount of \$33,845.00, as presented by Mr. Langston. Commissioner Bullock moved to accept and approve the FY 2012 Local Emergency Planning Committee application for State Emergency Response Commission Planning, Training and Equipment by authorizing the Chairman's signature of the State Emergency Response Commission Certified Assurances Form. Seconded by Commissioner Garner, the motion was voted and carried unanimously. Approved.
- 13) **Discuss & Approve/Disapprove Revised LEPC Membership Roster:** Let the record reflect the presence of Austin, via telephone conference, and Mark Langston, LEPC Chairman, for this item. The Board reviewed and discussed the revised LEPC Membership Roster, as presented by Mr. Langston. Commissioner Williams moved to accept and approve the revised Local Emergency Planning Committee (LEPC) Membership Roster, as submitted. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. Approved.
- 14) **Discuss & Approve/Disapprove Changes To Lander County All Emergencies Operation Plan:** Let the record reflect the presence of Austin, via telephone conference, and Mark Langston, LEPC Chairman, for this item. The Board reviewed and discussed various changes to the Lander County All Emergency Operation Plan, as presented by Mr. Langston. Commissioner Garner moved to accept and approve changes to the Lander County All Emergencies Operation Plan, as presented. Seconded by Commissioner Mason, the motion was voted and carried unanimously. Approved.

PLANNING COMMISSION

- 15) **Discuss & Approve/Disapprove Zone Change For Carol Cuthbertson Trust, 55 N. 2nd Street, Battle Mountain, APN 002-270-04, From One Acre Agricultural District A-1 To General Commercial District C-2:** Let the record reflect the presence of Austin, via telephone conference, and Community Services Officer Gina Little for this item. Executive Director Gene Etcheverry provided the following update to the Board:
- * A zone change for Carol Cuthbertson Trust, 55 N Second Street, BM, APN 002-270-04, from One Acre Agricultural District A-1 to General Commercial District C-2 is presented for consideration;
 - * The LC Planning Commission, at their February 9, 2011 meeting, voted unanimously to recommend approval of the zone change request.

The Board reviewed and discussed a Notice of Zoning Change for Carol Cuthbertson Trust, 55 N. Second Street, APN 002-270-04, from One Acre Agricultural District A-1 to General Commercial District C-2, as presented by Ms. Little. Commissioner Garner moved to uphold the recommendation of the Lander County Planning Commission and approve the zone change for Carol Cuthbertson Trust, 55 N. Second Street, Battle Mountain, Nevada, APN 002-270-04 from One Acre Agricultural District A-1 to General Commercial District C-2; and authorize the Chairman to sign. Seconded by Commissioner Williams, the motion was voted and carried unanimously. Approved.

PUBLIC WORKS

- 16) **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; Dora Wren, Shaw Engineering; and Ralph Eaton, Legacy Construction, for this discussion. Mr. Edgar updated the Board regarding the status of all phases of the Battle Mountain arsenic project. The Board reviewed and discussed engineer's drawings for the following proposed projects, as presented by Ms. Wren: a) a waterline loop through Mr. Jay Wintle's property in the amount of \$203,000.00; and, b) waterline improvements in the Chukkar Lane/Round Mountain Drive area at a cost of \$106,410.00. There was general discussion regarding the proposed scope of work for the Chukkar Lane/Round Mountain Drive waterline improvements project. Let the record reflect that this matter was an update only. No Action - Update Only.

CLERK

- 17) **Discuss & Approve/Disapprove Lander County Jury List For 2011:** Let the record reflect the presence of Austin via telephone conference. The Board reviewed and discussed the 2011 Lander County Jury List, as presented by Clerk Sadie Sullivan. Commissioner Garner moved to approve the Lander County Jury List for 2011, as presented. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. Approved.

*Let the record reflect that the 2011 Lander County Jury List is attached as **Exhibit A** to the February 24, 2011 Commission meeting minutes.*

ROAD & BRIDGE/NORTH

- 18) **Discuss & Approve/Disapprove Award Of Bid For Used Track Dozer:** Let the record reflect the presence of Austin, via telephone conference, and Road and Bridge Foreman/North Donnie Negro for this discussion. The Board reviewed and discussed seven bids received for a used track dozer for the Road and Bridge Department, presented by Mr. Negro, as follows:

| No. | Received | Bidder | Amount |
|-----|-----------|-------------------------|--|
| 1 | 1/27/2011 | Burkhart Transport | \$80,000.00 |
| 2 | 1/27/2011 | Rasmussen Equipment Co. | No Bid |
| 3 | 2/2/2011 | Wheeler Machinery Inc. | No Bid |
| 4 | 2/2/2011 | Pape Machinery Inc. | \$168,000.00 |
| 5 | 2/2/2011 | Arnold | No Bid |
| 6 | 2/3/2011 | Cesco | \$129,000.00 \$336,400.00 \$417,150.00 \$428,345.00 |
| 7 | 2/4/2011 | Cashman | \$99,288.00 |

Mr. Negro recommended award of bid to Burkhart Transport, in the amount of \$80,000.00, as it is the lowest and best bid for Lander County. Commissioner Garner moved to approve acceptance of bid for acquisition of a used track dozer for \$80,000.00 from Burkhart Transport. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. Award Of Bid Approved.

SENIOR CENTER

- 19) **Ratify & Acceptance Of Grant Award No. 09-000-57-NX-11, Nevada Aging & Disability Services Division For Nutrition Services Incentive Program In Amount Of \$2,344.00:** Let the record reflect the presence of Austin via telephone conference. Executive Director Gene Etcheverry updated the Board regarding this matter, as follows:

- * Grant Award No. 09-000-57-NX-11, Nevada Aging & Disability Services Division for the Nutrition Services Incentive Program, in the amount of \$2,344.00, is presented for ratification;
- * Acceptance of the grant award was signed by the Executive Director in order to meet the time frame set forth by the granting agency for acceptance.

Commissioner Bullock moved to ratify acceptance of Grant Award No. 09-000-57-NX-11, Nevada Aging and Disability Services Division for the Nutrition Services Incentive Program, in the amount of \$2,344.00. Seconded by Commissioner Williams, the motion was voted and carried unanimously. Ratification Approved.

- 20) **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 updated the Board regarding the status of the Austin Airport fuel project, the Austin Airport airfield rehabilitation project, and the Battle Mountain Airport apron reconstruction project. There was general discussion regarding various issues associated with the Battle Mountain and Austin

airports. No Action - Update Only.

Ambulance Service: Let the record reflect the presence of Executive Secretary Tammy Dimitroff; Austin resident Karlene Andreola; Battle Mountain Fire Department volunteer Bart Negro; and Battle Mountain Ambulance volunteers Jayson Cutler and Mikey Gonzalez for this discussion. The Board reviewed and discussed an Austin/Battle Mountain Ambulance Income/Loss Statement, as presented by Ms. Dimitroff. Commissioner Williams requested input from Lander County's EMS volunteers concerning the proposal submitted earlier today from Emergency Management Solutions. Mr. Negro, Mr. Cutler and Ms. Andreola, respectively, provided the requested input to the Board. There was extended discussion regarding the following issues: a) ongoing problems with Lander County's emergency medical services; b) possible resolutions to the various ongoing problems/issues with the County's volunteer services; c) the possibility of having Battle Mountain General Hospital take over Lander County's ambulance services; and, d) the possibility of hiring a coordinator for the Battle Mountain Ambulance Service. Commissioner Mason noted the following for the record:

"This county is in terrible shape for liability. It's only going to take one attorney to crash the whole program. That leaves us two choices: shut it down until we have a foundation or hire a professional team at a very heavy cost and rebuild."

There was general discussion regarding the estimated cost to have the State come in and take over Lander County's emergency medical services if the current system collapses. Mr. Etcheverry updated the Board regarding the status of repair work needed for Rescue One. Commissioner Garner addressed the following concern:

"I have another problem with this ambulance. I notice it's locked up and there's no keys. Why? That's our ambulance, not the State's. If we have a mass casualty somewhere I don't care if that thing's dripping anti-freeze, that thing needs to roll. Those keys need to be in it and that thing needs to be unlocked!"

Mr. Etcheverry stated that the current situation with the ambulance was direction given to the Battle Mountain Ambulance Coordinator by the State Region 3 representative. There was general discussion of why the State took away the County's zolls. Mr. Etcheverry updated the Board regarding the status of the Austin ambulance. No Action - Update Only.

Economic Development: Executive Director Gene Etcheverry stated that he had nothing to report regarding this matter at the present time. No Update.

Public Lands: Commissioner Stienmetz noted for the record that the next SLUPAC meeting is scheduled April 29, 2011. 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. There was general discussion regarding various RS2477, Title 5 and FLPMA road issues. 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. Commissioner Garner presented testimony regarding the need to have the town's fire hydrants in compliance with State regulations. Mr. Edgar presented testimony regarding ongoing phosphorus problems at the BMWWTF; and possible resolution to this issue. 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 and issues affecting Battle Mountain. Mr. Edgar made the following request for the record:

"We received the golf carts early at the golf course. I was going to see if the Cart Barn in Reno would take the old ones, part them and drop the amount of the lease for the amount of the carts. That way whatever money we put into it maybe we could get a good portion back."

The Board granted Mr. Edgar's request. No Action - Update Only.

Contracts: Commissioner Stienmetz stated that there was nothing to report regarding this issue at the present time. No Update.

ADJOURNMENT

There being no further business before the Board at this time, Commissioner Bullock moved to adjourn the meeting of February 24, 2011. Seconded by Commissioner Mason, 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.