

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 March 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.

Dean Bullock led the Pledge of Allegiance.

APPROVAL OF AGENDA NOTICE

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

APPROVAL & ACCEPTANCE OF MINUTES

Regular Session Of February 24, 2011

Commissioner Bullock moved to approve the minutes of the Regular Session of February 24, 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:

MARK KAMINSKI, NDEP, to ROBERT BERGER, BLM FIRE MANAGEMENT OFFICER, regarding public notice for

BM Air Attack Base #NEV2000506.

JOSEPH SAWYER, NDEP, to ESTATE OF MARTIN T. WESSEL, regarding 4th Quarter 2010 Monitoring Report, Former Ted's Chevron Facility, 474 W Front Street, BM, NV.

REPORTS

There were no reports for the Board's review.

COMMISSIONER REPORTS

Commissioner Williams updated the Board regarding a Central Nevada Regional Water Authority meeting he plans to attend in the near future on behalf of Lander County.

Commissioner Williams updated the Board regarding the recent passing of George E. Schwin, former Lander County Commissioner and Sheriff; and noted that his funeral service is scheduled tomorrow in Fallon.

Commissioner Mason updated the Board regarding a Planning Commission meeting he attended recently on behalf of Lander County.

Commissioner Garner updated the Board regarding a LEPC meeting he attended recently on behalf of Lander County; and noted that LEPC is in favor of the EMS program due to its logistics.

STAFF REPORTS

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

- * An appraisal for the Austin Loneliest Highway Visitors Center project was completed by NDOT recently, an in-kind match of \$14,000.00 will be required by the Austin R&B Department;
- * The Executive Director attended a Tax Commission meeting in Reno recently, LC was granted a waiver from being a guaranteed county under the SCCRT distribution;
- * The National Summit of Mining Communities is scheduled April 4-7, 2011 in Elko, NV;
- * A CNRWA meeting is scheduled tomorrow in Eureka;
- * A meeting is scheduled with the ACOE March 16, 2011 in Sacramento, CA to discuss the BM levee project.

PAYMENT OF THE BILLS

Commissioner Garner moved to approve payment of the bills, check numbers 35964 through 36062 in the amount of \$613,532.69. Seconded by Commissioner Bullock, the motion was voted and carried with Commissioners Bullock, Garner, Mason and Stienmetz voting "AYE" and with Commissioner Williams abstaining from the vote on check number 36061 payable to himself in

the amount of \$733.90. Approved.

PAYROLL CHANGE REQUESTS

Payroll Change Request - Micah Wood - Sheriff's Office

Request for approval of a Grade change for Micah Wood, CAT 1, from a Grade Level I at a salary of \$20.61 per hour to a Grade Level II at a salary of \$21.73 per hour, effective February 21, 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 - Raul Ceja, Jr. - Sheriff's Office

Request for approval of a Grade change for Raul Ceja, Jr., CAT 1, from a Grade Level I at a salary of \$20.61 per hour to a Grade Level II at a salary of \$21.73 per hour, effective February 21, 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 - Viviane Delone Crutsinger - Sheriff's Office

Request for approval to hire Viviane Delone Crutsinger, Relief Communication Officer, a Grade Level I at a salary of \$14.16 per hour, effective February 22, 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.

FINANCE

- 1) **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:

"Six ambulance runs totaling \$2,420.50 were sent to collections and one run totaling \$460.00 was written off due to the six month rule - no activity. Current accounts receivable for the collection service is \$13,189.00. Accounts receivable for the month of February: water/sewer-\$24,360.00; landfill-\$20,760.00; and ambulance-\$49,680.00, for a total of \$94,800.00. We had 23 water /sewer accounts that are 120 days/over and 38 accounts that are 90 days. Just a reminder - budget workshop will be next Wednesday the 16th and possibly the 17th if need be. It starts at 9:00 o'clock."

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

- 2) **Discussion & Possible Action Regarding Write-Off Of Uncollectible Lander County Ambulance Billing:** Let the record reflect the presence of Austin via telephone conference. The Board reviewed and discussed the following proposed ambulance billing write-off as presented by Finance Director Rogene Hill:

Run #2008547: DOS 2/17/10 - amount to be written off - \$243.84 - (uncollectible per policy).

Commissioner Garner moved to approve write-off of the uncollectible billing for ambulance run #2008547 for February 17, 2010, in the amount of \$243.84, as presented by Rogene Hill. Seconded by Commissioner Williams, the motion was voted and carried unanimously. Approved.

COMMISSIONERS

- 3) **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 the following legislative bills/issues of interest to Lander County: a) AB 239; b) SB 138; and, c) eminent domain/mining. Mr. Etcheverry presented testimony regarding the outcome of a State Health & Human Services budget hearing held earlier this week. Commissioner Williams presented testimony regarding AB 59, a bill submitted by the Attorney General's Office; and addressed the following concern:

"We've got to be careful when we talk about things. The ending sentence says in addition to any criminal penalty imposed pursuant to this section, each member of a public body who attends a meeting of that public body where action is taken in violation of any provision of this chapter, regardless of knowledge, can be fined up to \$500.00. Today if we make a mistake, it's just an honest mistake and isn't law until we act on it. This is putting some real tough teeth in it. I thought we were doing okay with this open meeting law."

Commissioner Williams updated the Board regarding the status of SJR 6 and SB 182. The Board reviewed and discussed a March 4, 2011 letter from Pat Waits, Gillman Springs Ranch Homeowners Association Secretary/Treasurer, as submitted. Commissioner Williams made the following comment for the record:

"Mr. Waits asked the Legislative Council Bureau and Senator Lee's Office to look into the legality of how a homeowner's association is treated and if they'd be eligible for a grant to put in a power plant. He's asked for our support on this."

Commissioner Williams presented testimony regarding the following legislative bills/issues of interest to Lander County: a) a bill extending the time the Treasurer has to capture delinquent properties from 3 to 4 years; b) AB 208, designating English as the official language of Nevada; c) SB 49, a Nye County bill to help identify RS2477 rights-of-ways; and, d) SB 68. Let the record reflect that this matter was an update only. No Action - Update Only.

- 4) **Discussion & Possible Action Regarding Contract Between Lander County &**

Nevada State Health Division Public Health & Clinical Services: Let the record reflect the presence of Austin, via telephone conference, and Brenda Keller, Community Health Nurse, for this discussion. Executive Director Gene Etcheverry provided the following update to the Board:

- * A contract for community health nursing services pursuant to NRS 439.140 is presented for consideration;
- * Due to significant cuts in financial resources to the NV State Health Division-Public Health & Clinical Services biennial budget, two alternate contracts for community health nursing services are presented;
- * **Alternate Contract #1** - preserves the current level of service provided by the County Health Nurse at a cost of \$70,112.89 per FY, for a total cost of \$140,225.78 for the period July 1, 2011 through June 30, 2013;
- * **Alternate Contract #2** - cuts the current level of service provided by the County Health Nurse by over half. Cost is \$20,316.89 per FY, for a total cost of \$40,633.78 for the period July 1, 2011 through June 30, 2013;
- * LC provides a full-time Executive Secretary position for the Community Health Clinic outside the provisions of the contract;
- * Additionally, the Community Health Clinic (Dome) is rented by LC from BMGH.

Ms. Keller presented testimony regarding the various services she and her office provides to the community. Let the record reflect that **Phil Hanna**, Battle Mountain General Hospital Administrator, **Charlene Mitchel**, Great Basin College, **Paula Green**, Lander County School Nurse, and **Kayla Mauldin**, Frontier Coalition, all appeared before the Board to state their support for the community health nursing program. Commissioner Garner moved to approve the contract offered under Alternative #1 at a cost of \$70,112.89 each fiscal year, for a total cost of \$140,225.78 during the contract period July 1, 2011 through June 30, 2013; and authorize the Chairman to sign the final contract when presented by the State. Seconded by Commissioner Williams, the motion was voted and carried unanimously. Approved.

5) **Discuss & Approve/Disapprove Agreement Between Lander County & Elko County Library For Library Services In Battle Mountain For FY 2011-2012:** Let the record reflect the presence of Austin via telephone conference. Executive Director Gene Etcheverry updated the Board regarding this matter, as follows:

- * An agreement between LC & Elko County Library for FY 2011-2012 is presented for consideration;
- * The annual agreement provides for library services in BM & Austin at a total cost of \$103,975.00, which represents a \$1,494.00 or 1.46% increase over the current contract;
- * Because the agenda item references only library services in BM, a DA's opinion should be requested as to whether or not action can be taken due to the incomplete location reference.

Deputy District Attorney James Barnes suggested that this matter be deferred to a future commission meeting due to the incomplete language of the agenda item. Deferred.

6) **Discussion & Possible Action Regarding Organization Of Commission Meeting Agendas & Proposal To Place "Discussion & Possible Action On The Following Projects/Services" At Beginning Of Agenda:** Let the record reflect the presence of Austin via telephone conference. Commissioner Stienmetz presented testimony in favor of placing discussion of projects at the end of the meetings. Commissioner Williams presented testimony in favor of placing discussion of the projects at the beginning of the

meetings; and noted the following for the record:

"I feel it's a waste of resources to have our top level supervisors sitting here for a full day when they could come in, give their report and be gone. We don't need them here for questions. If there's another agenda item, they could either come back or submit a written comment. I really don't think we need those people sitting here for a full meeting. At the beginning of the meeting are staff reports; they are our staff."

Commissioner Mason presented testimony in favor of placing discussion of the projects at both the beginning and end of commission meetings. Commissioners Garner and Bullock, respectively, stated their support for having the projects remain at the end of the meetings. Battle Mountain resident **John Fuller** appeared before the Board to make the following comment for the record:

"If a person has to be here for a meeting, you can ask for a time-specific on the agenda item. That way he doesn't have to sit here for the whole meeting."

Commissioner Williams conceded; and moved to go with the recommendation that it's the responsibility of the Commission Chairman and Executive Director to organize commission meeting agendas to promote the most efficient and expeditious handling of issues at hand. Seconded by Commissioner Garner, the motion was voted and carried unanimously. Approved.

EXECUTIVE DIRECTOR

- 7) **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; Road and Bridge Foreman/North Donnie Negro; and Emergency Management Solutions representatives Cynthia Shelton, Troy Easton, Todd Kelly and Mike Watson for this discussion. Mr. Easton updated the Board regarding the current staffing team of Emergency Management Solutions; and read the following two letters into the record:

"3 March 2011 - To Whom It May Concern: This letter is to confirm that Troy Easton, EMT-P, dba, Emergency Management Solutions, contracted with the Utah Bureau of Emergency Medical Services and Preparedness in 2006 to develop a Performance Improvement Program for rural EMS agencies in Utah.

The Bureau found that Troy was dependable and forthright in his preparation - he delivered what he promised when he said he would. I highly recommend Troy Easton for consideration of problem solving and system development for rural EMS agencies. If you desire further discussions or clarification of the work done for Utah EMS and Preparedness, please feel free to contact me. Sincerely, Robert F. Jex, RN, MHA, FACHE, Utah Department of Health.

7 March 2011 - To Whom It May Concern: This letter is to confirm that Troy Easton, EMT-P, dba, Emergency Management Solutions, has proven his unwavering dedication over the last twenty years to the provision of the highest quality emergency, and critical field care to the citizens of the State of Utah.

In that time Troy has been a leader in a number of field and critical care improvement programs, Troy's fierce adherence to best care practice guidelines, and his critical care experience has made him an asset to this division, with the research and development of critical care transport programs, and I look

forward to future emergency services projects with Troy.

I highly recommend Troy Easton to any emergency services program seeking problem solving systems development, quality management and implementation, or just a top quality Paramedic. If you have any questions, please feel free to contact me. Sincerely, Chuck Cruz, BSN.RN, CEN, NREMT-P, Utah Department of Health."

Mr. Watson presented the following overview to the Board:

**EMS PERFORMANCE IMPROVEMENT
LANDER COUNTY, NV**

- I. **Mission Statement** - Emergency Management Solutions is an organization committed to the comprehensive analysis, review & support of Emergency Management Systems & Responders.
- II. **Services Provided**
 - Emergency Management Restructuring - EMS Operations Training - NIMS Training
 - Performance Improvement Programs for Emergency Services - Search & Rescue Consulting/Training
 - Incident Command System Training/Evaluation - Hazmat Response & Capabilities Evaluation
 - Fire, EMS, SAR & Law Enforcement Wellness & Safety Programs - Wild Land/Urban Fire Interface
 - Mitigation-Planning - Risk Management - Emergency Operations Center Coordination & Counseling
 - Regulatory Compliance/Auditing - State, County & Municipal Regulatory Compliance Evaluations
- III. **Why Performance Improvement?**
 - That which is not measured cannot be improved.
 - Assume good intent - we all want to do a good job.
 - Can this system take care of one of my loved ones?
- IV. **Process Management Model**
 - Performance Improvement - discovery, assessment, plan, implementation.
 - Components of Performance Improvement - Internal & External.
- V. **Those Responsible for Performance Improvement**
 - Law enforcement - ambulance - fire department - etc.
- VI. **Quality Assurance**
 - How often do agencies meet w/other agencies to discuss Performance Improvement?
 - Have the proper tools/support been implemented to sustain a functioning system?
 - Are audit filters in place?
- VII. **Summary**
 - If you keep doing what you've always done, you'll keep getting what you've always gotten. - Wit Avden
 - No matter what nor how valid, there is no excuse for lack of performance. - Vaughn J. Featherstone
 - Emergency Management Solutions would like to take the first step with LC, NV in this journey of discovery, support & implementation toward a sustainable program.

Mr. Watson presented testimony regarding a reassessment study completed in Nevada in 2009; and made the following comment for the record:

"We'd like to take over administration of the ambulance operation temporarily to get it stood up and help propose a plan to sustain it. The reality of distance and resources will mean different patients receive care more or less expediently. However, it doesn't mean the care itself should be different. The Emergency Medical Services assessment of 1991 and the reassessment of 2009 still have huge gaps. Let us take the first step with you. Let's get started and close the gap as much as we can. We have five priorities with this project: 1) to stand up the ambulance service; 2) to come up with a model to support/sustain that service; 3) safety issues; 4) records management reporting; & 5) regulatory & compliance issues."

There was general discussion regarding various regulations Lander County is in violation of and the potential fines/penalties associated with those violations. Mr. Kelley made the

following comment for the record:

"I hold firm to the statement I made the last time we were here. You guys are barely hanging on. You're on the verge of collapse. It's just a matter of when something bad happens. We don't want that to happen. That's why we want to take that first step today and get moving forward with this project."

Mr. Easton presented testimony regarding the various services Emergency Management Solutions can provide to Lander County. **Brenda Keller**, Community Health Nurse, appeared before the Board to present testimony regarding the outcome of a Public Health Preparedness summit she attended recently in Atlanta, Georgia. Mr. Watson noted the following for the record:

"One thing I want to revisit with you is the question of who's going to do the work and how that's going to get done. We have the experts to get on the job. One thing that's common to frontiers and rural areas is the issue of local control. If you decide to move forward and have us start working on this project with you, we'll have people here four days a week. They'll be living here. They'll have a phone you can call. You can drop by and visit them. That person will be at your commission meetings every week. The team will be back every 30 days to tell you what we did in those past 30 days and what we've discovered. We want to go out and do the fact finding and come back with some proposals so you can make those decisions. We don't have a dog in the fight as far as telling you how to do that. We want to give you the information and help you move forward with the proper decisions."

Kathy Ancho, LC Sheriff's Office, appeared before the Board to address her concerns regarding various ongoing issues/problems with Battle Mountain's ambulance service. **Tammy Dimitroff**, LC Public Works Department, appeared before the Board to address her concerns regarding various ongoing issues/problems with Battle Mountain's ambulance service and the need for some type of corrective action to Lander County's EMS/safety issues. **Phil Hanna**, Battle Mountain General Hospital Administrator, appeared before the Board to make the following comment for the record:

"The hospital board authorized me to review issues as it relates to EMS. I've had the opportunity in a former life to run EMS organization; I've run ambulance services from critical access hospitals. My interest right now and the activities I'm pursuing for the Board is to look at integrating the EMS service into the hospital so we can take advantage of established programs for quality assurance, performance improvement and the things we have to meet daily to be able to maintain our certification as a critical access hospital. My personal timetable and the expectation of my Board is to resolve in the next 60-90 days what level of involvement the hospital feels it can have. I certainly want to see the hospital be more involved in working with the community. I think it would be nice if I could be given another 60-90 days to look at what our potential is as far as the EMS system. Then some of the financial resources that would be going to this could be directed to some of the other issues you're dealing with as far as emergency preparedness."

Mr. Easton responded to Mr. Hanna's comment, as follows:

"We're here the first 90 days to discover, learn and communicate with local officials the best routes for the ambulance. In some agencies ambulance makes a lot of sense to go in a hospital, but more often than not the fire department takes the ambulance because it's unified. We want, through discovery over this next 30 to 60 to 90 days, to work with the hospital and the fire department. We give 100% of that information to the Commission. We share that information with yourselves and with the fire. We don't have a dog in the

fight. It's your community; it's your ambulance.

We're here to prove ourselves. We don't expect you to sign this big 90 day or 18 month program. Every 30 days you can say get the heck out of here or let's move on to the next thing. If you put pen to paper today you'll be amazed at the work our expert team can do."

Commissioner Stienmetz asked if the proposed EMS Agreement had been reviewed and approved by the District Attorney's Office. Deputy District Attorney James Barnes answered in the affirmative. There was general discussion regarding the potential impact of the proposed EMS Agreement to Lander County's ambulance services licensure. Executive Director Gene Etcheverry stated that State EMS is supportive of the County having some type of consultative relationship for its emergency medical services. Mr. Negro presented testimony in favor of hiring a full-time safety person for Lander County. Commissioner Garner presented testimony regarding the need for a functioning safety program in Lander County. Commissioner Williams made the following comment for the record:

"The purpose of this meeting is ambulance service. One of the issues that came out of our meeting yesterday is that Pat Irwin, State Director of the Ambulance Service, is going to meet with us on the 24th. He's also going to be meeting with the hospital district the same evening. He made a lot of recommendations. We've been skirting around this emergency issue with the ambulances. We haven't really been out-of-compliance with anything we've done with these ambulances except possibly the call times. You people weren't here the last meeting when the ambulance folks were sitting in the back. It came along to the end of the meeting and we got back to discussion - they were here to put their input in. It bothers me that all we're doing is asking and answering a lot of questions. We already know the answer. We know we're in trouble and we know exactly why we're in trouble because it's a melt-down at the bottom where the people are working."

Ms. Shelton noted the following for the record:

"Your fines are more than our team of experts are stating; yet you continue to harp on the fees, what our experts will bring to you and what they will fix. Your fines outweigh our costs. We were here two weeks ago and things have happened since that time that shouldn't have happened. You've got a system you say you know is broken, but it's not that bad. No, it's a nightmare! Let's not minimize what it is. I get offended when I hear one of the commission minimize the damage that exists here. If that was my baby that was injured, I'd sue every one of you. That is the reality and that's what you've exposed yourselves to.

We don't have a dog in this fight nor do we have a preconceived agenda. Because we've come in here and now everyone's to the table? Where were you last week, last month, last year? This isn't something that happened overnight. You have to forgive my anger because this does anger me. I've seen this happen quite often. We're not here just to leave you in 90 days. We're here in these 90 days to stand you back up - to bring in our experts to fix everything we see wrong within that 90 days. We're to use the community and put them back in place and get you trained. And you say where's the guarantee? Your community - this is your guarantee. You want us to give you a guarantee? In that contract, at the very end, it states that every review we put in there we'll let you know what we fixed, the fines we've minimized, the savings we've created for you. I can guarantee you the cost is going to be far less than what we've saved you financially."

Ms. Ancho made the following comment for the record:

"With all due respect, the guarantee is you guys upholding what they bring to the table and telling you to fix. Yes, I work for the County and have for 24 years, but if somebody backed over my daughter and

the ambulance didn't respond and she died I'd sue every one of you."

Commissioner Williams responded to Ms. Ancho's comment, as follows:

"I think we're blowing this liability thing way out of shape. We all know what the responsibilities of the county is, the ambulance and what the State regulations are."

Commissioner Mason made the following comment for the record:

"I've listened to all the remarks and I've been patient about it. We know we're in trouble. We don't need to hear anymore on the negative. Two weeks ago in this session after you left it got bitterly exciting. It brought out a lot of things and it brought out this - we have talent in this county. It's bringing that forward now. We have opportunities of our own to look at. This has no reflection on your proposal or you guys. I have the highest respect for you. I just don't want to be stampeded into something because we're in trouble. We have two situations that are coming together with local talent. It's going to take another month before we've got this thing pieced together to see if it weighs against you or for you. We have the ambulance and we have safety. We need to look at that. We need to stop the stampede and see what we have of our own before we sign a major contract. You've done us a service and a favor already - you're bringing the talent out. I thank you. I really do appreciate the efforts you've put in. We may very well sign a contract with you, but I'm opposed to signing it today."

Commissioner Garner moved to approve the contract, as presented, for operation of the Lander County Ambulance services; and request Emergency Management Solutions to present a contract for consultative services for emergency medical services, safety services and other emergency services/organizations within the County. *Let the record reflect that the motion died for lack of a second.* Commissioner Bullock made the following comment for the record:

"I have a problem with the contract. You want us to pay you for February 16th, 17th, 24th and today. If I'm going to look for a job I don't expect people to pay my expenses. That's \$13,000.00. That comes off the table, then it's a whole different issue. But as this contract stands, I will not sign it."

Commissioner Williams moved to **not** approve the contract, as presented, for operation of the Lander County Ambulance Service; and request Emergency Management Solutions to present a contract for consultative services for emergency medical services, safety services and other emergency services/organizations. Seconded by Commissioner Mason, the motion was voted and carried with Commissioners Williams, Mason and Stienmetz voting "AYE" and with Commissioners Bullock and Garner voting "NAY".
Approved.

PUBLIC WORKS

- 8) **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; and Ralph Eaton, Legacy Construction, for this discussion. *Let the record further reflect the absence of*

Commissioner Stienmetz for this item. Mr. Brigman updated the Board regarding the status of all phases of the Battle Mountain arsenic project. There was general discussion regarding the type of seal coating to be used for the inside of the water tanks. Let the record reflect that this matter was an update only. **No Action - Update Only.**

- 9) **Discuss & Approve/Disapprove Contract Between Lander County & Hunewill Construction For Wilson Street Utility Improvement Project:** Let the record reflect the presence of Austin, via telephone conference; Public Works Foreman Jacob Edgar; and Steve Brigman, Shaw Engineering, for this discussion. *Let the record further reflect the absence of Commissioner Stienmetz for this item.* The Board reviewed and discussed the Agreement between Lander County and Hunewill Construction Company, Inc., for the Wilson Street Utility Improvement Project, as presented by Mr. Brigman. Deputy District Attorney James Barnes noted for the record that the District Attorney's Office has reviewed and signed off on the Agreement. There was general discussion regarding the pros and cons of approving contracts, pending legal review, at the time bids are awarded. Commissioner Bullock moved to approve the Contract between Lander County and Hunewill Construction for the Wilson Street Utility Improvement Project; and authorize the Chair to sign. Seconded by Commissioner Mason, the motion was voted and carried. **Approved.**
- 10) **Discuss & Approve/Disapprove: A) Change Order #3 - Wintle Looping Waterline; & B) Change Order #4 - Chukar Lane Waterline Repair For Battle Mountain Water & Sewer Transmission Main & Water Wells 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; Battle Mountain resident Jay Wintle; and Randy Clark, Clark Builders, for this discussion. *Let the record further reflect the absence of Commissioner Stienmetz for this item.* The Board reviewed and discussed the following proposed change orders, as presented by Mr. Brigman: **a) Change Order #3 - Wintle Looping Waterline - \$203,051.00;** and, **b) Change Order #4 - Chukar Lane Waterline Repair - \$106,410.00.** Mr. Edgar presented testimony regarding the proposed scope of work for both projects. Commissioner Garner made the following comment for the record:

"I don't have a problem with Randy's. If we owe him, we owe him. But I think for this amount of money it needs to go back out to bid and look at our budget for next year. We got a lot of problems to pay for in the county. We got a water truck. The project needs to be looked at; it needs to go across the road. I also think it needs to connect the Sheriff's Department. We need to do it all as one. I think there's a lot of potential for mishaps."

Mr. Edgar responded to Commissioner Garner's comment, as follows:

"If you're thinking about putting another project out, I'd like to extend the looping main for the simple fact that if something happens, I don't want to be the guy with egg on my face."

Mr. Wintle assured the Board that he would provide the easement for the waterline looping project at no cost to the County. Commissioner Williams presented testimony in favor of approving the change order for the waterline looping project. Commissioner

Bullock moved to approve Change Order #3, Wintle Looping Waterline, in the amount of \$203,051.00; and Change Order #4, Chukar Lane Repair, in the amount of \$106,410.00, for the Battle Mountain Water and Sewer Transmission Main and Water Wells project. Seconded by Commissioner Mason, the motion was voted and carried with Commissioners Williams, Mason and Bullock voting "AYE" and with Commissioner Garner voting "NAY". Change Orders Approved.

COMMISSIONERS

- 11) **Discussion & Possible Action On The Following Projects/Services:** Let the record reflect the presence of Austin, via telephone conference, and the absence of Commissioner Stienmetz for this item.

Airport Projects: Let the record reflect the presence of Lew Lott, J-U-B Engineers, for this item. Mr. Lott provided the following update to the Board:

"I was coming through to look at the existing crack seal in Austin. We're going to incorporate that in this year's project. I'm meeting Commissioner Williams down there to look at that. I'm not charging; and didn't come here specifically for this. Also I'm spending time in Battle Mountain on the apron project tomorrow. We've had some great meetings - got the BLM involved. We're going to look at not only asphalt for Battle Mountain, but potentially a concrete option where BLM's at. With FAA funding, we want to make sure we put the best material down because of the turning aspect. Also, in Austin we're looking at some logistics on that fuel system. Commissioner Williams and I are going to look at that today. I stopped in to see if you have any questions or want any more information or updates."

Commissioner Garner addressed the following concern:

"On the fuel station they're putting in Austin, how is that going to be monitored daily? What about the quality? If it's for sale, it has to be tested everyday! Have we looked into that? Who are we going to have that's certified to test fuel that's going to go down there everyday, pull a sample and report it to the proper agency? I thought this was thought of before we did this. I think it's ridiculous that Lander County is a gas station now. We're going to sell gas under Lander County and if somebody crashes their plane because the fuel is out of spec, I'll guarantee you we'll be listed right on the top of that lawsuit. This is crazy - now we're a gas station? That's a lot of liability. Who's going to bond the County and who's going to bond the insurance to be a gas station? You have to be bonded and insured to be a gas station to sell it. Have we looked at that? Now that we're going to be a gas station, we're selling fuel and we're going to have to collect taxes on it; it puts us into another field. Who's going to collect that?"

Mr. Lott presented testimony regarding the proposed procedure for monitoring fuel at the Austin Airport; and made the following comment for the record:

"There was discussion at the very beginning that there'd be some need for oversight for operation of this. We've actually looked at the size of the tank to facilitate delivery of the fuel. This was brought up. You can't have any fuel system just sit out there and no one monitors that. This started two years ago when the environmental process started. That was brought up. When you go down this path there is a responsibility for the County. There is a liability of having fuel. I believe you have in Battle Mountain some pretty substantial liability insurance. I believe the umbrella even covers the fuel at the airport. We're not here to get the County

in trouble. These are questions that I'll try to find answers to."

There was general discussion regarding the best way to mitigate the fuel issues/concerns addressed by Commissioner Garner. **No Action - Update Only.**

Ambulance Service: Battle Mountain General Hospital Administrator **Phil Hanna** appeared before the Board to make the following comment for the record:

"About three months ago the [hospital] board gave me authorization to look at the EMS service and the potential of integrating that into the hospital. I've had experience doing that. I want the Commission to know I'm going to continue to work with Gene to get information. I've been putting a budget together. My first presentation will be at the end of this month to the hospital board. I've been talking with the State EMS Commission and State Board of Nursing. I'm looking at fully integrating the ambulance service into the hospital. One of the lead EMTs will be a full-time employee at the hospital. There are new services we're looking at providing there. This individual can help in the emergency department and other areas of the hospital. We're looking at the potential of having the squad barn over at the hospital. Everything is related to everything as we look at emergency planning. I feel there's an opportunity for the hospital becoming more involved with EMS. We'd utilize the volunteer call system for the second individual that would primarily be the driver. We could then assure timely response to all calls.

The reality for rural/frontier areas - the relationship we have with Humboldt General Hospital, their EMS service, that's how we respond to massive disasters. Battle Mountain will be an integral part of a system that's going to include our neighbors to the east, the west and to the south so that we can then respond to that drop-dead emergency - that disaster-type situation."

There was general discussion regarding ongoing issues/problems with Lander County's ambulance services; and general consensus regarding the need to mitigate the ambulance service problems as soon as possible. Executive Director Gene Etcheverry updated the Board regarding the status of repair work needed for Rescue One; and noted for the record that the ambulance's zoll problem has been fixed. **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 Williams updated the Board regarding information he forwarded to each Commissioner concerning the Forest Service's rules for coordinating with local entities; and requested that this issue be included on a future commission meeting agenda. **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 the deteriorating condition of streets/roads in the Echo Bay Subdivision. **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. There was general discussion regarding the status of ongoing phosphorus problems at the BMWWTF. 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. There was general discussion regarding the need for the Public Works Department to work with the Austin Chamber of Commerce concerning possible road closure and signage for the Austin Car Show. No Action - Update Only.

Contracts: Executive Director Gene Etcheverry updated the Board regarding the status of various past due and upcoming County contracts. No Action - Update Only.

ADJOURNMENT

There being no further business before the Board at this time, Commissioner Bullock moved to adjourn the meeting of March 10, 2011. Seconded by Commissioner Mason, the motion was voted and carried. 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.