



LINCOLN COUNTY BOARD OF COMMISSIONERS

October 7, 2019
Commission Chambers
Lincoln County Courthouse
181 Main Street
Pioche, Nevada

Commissioners

Varlin Higbee, Chair
Jared Brackenbury
Bevan Lister
Kevin Phillips
Keith Pearson

#1-CALL TO ORDER/ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

The meeting was called to order at 9:01 a.m. Clerk Lisa Lloyd called the roll.

PRESENT: BEVAN LISTER
JARED BRACKENBURY
VARLIN HIGBEE
KEITH PEARSON
KEVIN PHILLIPS
LISA LLOYD, Clerk
DYLAN FREHNER, District Attorney

There is a quorum present and the agenda was posted on 10-01-19. The Invocation was offered by Varlin and Jared led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Varlin called for public comment. None offered.

CONSENT AGENDA

- #3 Approve/Deny amended minutes from September 16 meeting.
- #4 Approve/Deny original and renewed business licenses according to staff recommendations (an itemized list of business licenses is available for public review in the Building Department prior to the meeting).

Kevin made a motion to approve the consent agenda; seconded by Bevan. All voted in favor.

#5-VOUCHERS

Recorder/Auditor Amy Elmer presented the cash balances to the Board. General County has an estimated cash balance of \$1,391,541.09. Detention Center will have a balance of \$109,655.12 after the \$156,600 in billing is received. Grants will have a negative balance of \$19,866.22. \$56,900.14 is the total for the Area 51 fund, Fund 95. Fund 97 totals \$25,390.69. This doesn't include all expenses. There are some being absorbed into the Sheriff's fund that need to be pulled out. These cash balance estimates don't include any payroll. Amy presented payroll and accounts payable reports. There is a reimbursement for part of the Area 51 costs that Amy is denying a portion of; it's for food and snack charges in the approximate amount of \$14.00. \$572.65 of that bill is what Amy approved. Amy asked the Board to decide whether or not the snacks should be paid for. Varlin agreed the snacks would not be paid. Kerry advised there are some components of the Area 51 expenditures they're choosing to pay for out of their budget as they're things that can be used for public safety in general. LCWD will be reimbursing for the rooms used for attendance at the water hearings. **Jared made a motion to approve the vouchers with the exception of Mountain Merc as well as the snacks for Dennis Wickers (\$14.26); seconded by Bevan. All voted in favor. Jared made a motion to approve the Mountain Merc vouchers; seconded by Keith. Kevin abstained as he is part owner of the firm. Motion carried.**

#6-OFFICER/DEPARTMENT HEAD REPORTS

CLERK Lisa Lloyd advised they've completed the second validation on the data for their case management system; it's going very well. TREASURER Shawn Frehner presented the monthly reports. There is Devnet training this week and the system goes live October 28th. PPU MANAGER Nathan Adams advised there has been a lot of push from the public to transfer the electrical system to LCPD. They're working out the details. EMERGENCY MANAGEMENT COORDINATOR Eric Holt reported we have until the 15th to sign the letter of intent. Eric presented a summary of the Area 51 weekend events. We received a great deal of help and support from a good many different entities at no charge. The weekend went well. 20 calls were responded to

by LC Ambulance Service in September. \$27,602 was the amount billed; total collections for September is \$6771.17. ASSESSOR Mark Holt advised he's hired Kelbee Cheeney to replace Arla as deputy assessor. PLANNING/BUILDING DIRECTOR Cory Lytle advised they've been working on several different buildings' maintenance projects. Cory is working on several projects at the LC Courthouse. Cory has the signed deeds for the Mill property; they'll be presented at the next Commission meeting. The solid waste crew is dealing with vehicle issues. They're looking at purchasing a used vehicle. Cory has been in touch with Cameron Boyce on the 400 RPP acres; details will be received within the next several weeks with regards to getting it patented. Cory will be meeting with a Verizon representative with regards to site upgrades they'll be making in the county. Cory cited they're working with the LC Trap Club on some grants. Cory presented a SNPLMA breakdown. A good many of the volunteers did the trash cleanup after the Area 51 events. Bins stayed in the area for a few days. Western Elite pitched in and helped us. We simply didn't have enough bins to place throughout the entire county. We also ran short on manpower. Things went really well, though. COMMISSIONERS' ADMINISTRATIVE ASSISTANT Denice Brown advised the ECA meeting is in Nashville, TN, in November; she asked who's going. Jared and Varlin will go. November 13-14 is POOL/PACT training on bullying and customer service. Denice has been working a great deal in other offices and she's been working on grants. Denice will be working in the Clerk's office later this week. DISTRICT ATTORNEY Dylan Frehner advised he received a signature from City of Mesquite; the agreement has been finalized. We need to move forward with the agreement that outline the amount discussed. Juvenile Probation has been handled by White Pine County the last two months; they've done a wonderful job. Dylan has pushed to find out when they're going to hire. They're finalizing some things and will hire soon. Dylan attended the water hearings in Carson City the last couple of weeks. A decision isn't anticipated for the next several months. A letter will be sent out today with regards to the Grants Administrator position. We have several jury trials coming up before the end of the year.

#7-BUDGET TRANSFER

Bevan made a motion to approve the budget transfer in the amount of \$111,270 from Capital Improvements fund to Vehicle Capital Projects fund; seconded by Kevin. All voted in favor.

#8-BUDGET TRANSFER

Kevin made a motion to approve the budget transfer in the amount of \$14,000 from the Federal In Lieu Special Revenue fund to the Senior Nutrition fund; seconded by Jared. All voted in favor.

#9-BUDGET TRANSFER

Kevin made a motion to approve the budget transfer in the amount of \$75,000 from the Federal In Lieu Special Revenue fund to the Planning fund; seconded by Bevan. All voted in favor.

#10-BUDGET TRANSFER

Kevin made a motion to approve the budget transfer in the amount of \$60,000 from the Federal In Lieu Tax Special Revenue fund to the Detention Center fund; seconded by Keith. All voted in favor.

#11-BUDGET TRANSFER

Jared made a motion to approve the budget transfer in the amount of \$40,000 from the LC General fund to the Property Management fund; seconded by Kevin. All voted in favor.

#12-BUDGET TRANSFER

Keith made a motion to approve the budget transfer in the amount of \$10,000 from the LC General fund to the China Springs fund; seconded by Bevan. All voted in favor.

#13-BUDGET TRANSFER

Bevan made a motion to approve the budget transfer in the amount of \$151.05 from the LC Land Act Grant Match to the LC Land Act Special Use fund; seconded by Kevin. All voted in favor.

#14-HIGHWAY COMMISSION

This item was covered under separate agenda.

#15-LINCOLN COUNTY FIRE DISTRICT

This item was covered under separate agenda.

#16-AREA 51 SPECIAL EVENT DISASTER RELIEF

Jared made a motion to approve the letter of intent to request funding from the State Disaster Relief account; seconded by Kevin. All voted in favor.

#17-STORM AREA 51

Jared made a motion to approve the proclamation declaring the Storm Area 51 event a disaster to LC; seconded by Bevan. All voted in favor.

#18-LINCOLN COUNTY BOARD OF HEALTH

This item was covered under separate agenda.

#19-LIQUOR BOARD

This item was covered under separate agenda.

#20-SILVER STATE CLASSIC

Jared made a motion to approve the request from Silver State Classic for closure of State Route 318 for May 17-20, 2019; seconded by Keith. All voted in favor.

#21-RESOURCE NEEDS ASSESSMENT

Maggie and Rick Orr presented the results of the Resource Needs Assessment (RNA). Rick reviewed the summary pages of the RNA. The Conservation District identified key people in different watersheds in the county, which were then broken down into 6 groupings. These are the same as the hydrologic unit code areas. They also come together to form a bigger drainage. The following are the ranked resource concerns found in the county: 1. Plant condition and health, 2. Livestock water availability – inadequate distribution, 3. Invasive species including plant pests, weeds, and aquatics, 4. Human concerns, 5. Habitat degradation and loss and organic matter depletion. The remaining combined resource concerns for the county as a whole, taken from the top five concerns identified in each of the six small watershed groupings are inadequate livestock feed, insufficient water for irrigation, soil compaction, concentrated flow gully erosion, wildlife water distribution, wildfire, inadequate plant structure and composition, and water quality. Jessica Mathews did the GIS work on the RNA. LC had the best RNA in the state as Rick followed the procedures the closest. Marlene Ribori has been hired by the Conservation District; she'll be here on 11-20-19. This document sets a tremendous baseline for what we can do with resources in the future. No action taken on this matter.

#22-GRANTS OFFICE

This item concerns the reorganization, hiring, delegation of duties, restructuring, and job description for the Grants Administrator position. The Board reviewed a draft job description. Last week, Bevan met with a fairly large group of employees here in the county that deal with grants. There is a need for a grants administrator who will actively write grants and be engaged in the process. It is important that we reach out to someone in the short term, on a contract basis, to try and rebuild the database. There is a tremendous amount of work that must be done to rebuild the last year or so of data. Rather than asking one of the current employees, it would be much more effective to have someone come in as a contract person with the sole duty of rebuilding those databases. Then, we need to have discussion as to how we need to move forward. We can hire someone new or handle it in house. There are many possibilities; the Board simply needs to figure out what direction to go in. It is believed the contract would be for part-time work. DA Dylan Frehner advised if the Board is looking to hire a professional to fix that, it can be done on a contract basis. If they're looking for someone in general to do it, it'll have to be advertised. Treasurer Shawn Frehner advised she's handling the back log of things and Denice is handling the current things. Shawn has built spreadsheets so we know where we're at; she's about 1/3 finished and it has required a great deal of time. This needs to be a short-term thing for her as she hasn't the time to dedicate to it for much longer; her office is very busy as it is. Shawn asked the Board to move on this quickly. Shawn believes this will require a full-time employee in the beginning but could transition into part-time. There is a lot of training that needs to happen. Whether or not this is a full-time or part-time position depends on how active the person is in seeking and writing grants. It may be possible for the current grants to be managed

by the departments that are benefiting from them. Many of these departments will still require training. There are a good many possibilities for the structuring of this position; the Board needs to decide what they want to see from the Grants office. Varlin is leaning more towards making this a full-time position. Keith asked if Denice could possibly be increased to full-time and take this on. Denice advised between her and Shawn they have a good idea of where the grants currently are; the financial part is hanging out there and is a problem. There are several grants that haven't been turned in for reimbursement. Within a month, it will be where it should be. Denice has a very good handle on the current grants. Jared commented if we can do it in house, we should. With our budget like it is, if we can save the money, we need to try. On the other hand, if we hired a full-time Grants Administrator who was bringing in a great deal of grants it would really help the county and be worth the expenditure. If the grants stay status quo, Jared reiterated the need to try and keep it in-house. Kevin is in favor of an expanded grants office. Bevan would like to keep it in-house due to budget constraints and then rebuild the program as we move into the future. Finding someone qualified to take this on will be difficult. The Board began to discuss the possibility of Denice taking these duties on. Bevan advised he will recuse himself from this item if action is taken to give these duties to Denice as she is his sister. Denice advised she is willing to take on grants but she also doesn't want to give up what she's doing now. Denice was the Human Service Director in the past; she has written and administered grants on multiple occasions. Denice feels it is an opportunity to control the budget; it will be a \$50,000-60,000 savings if she is given the position. Launa Chouquer commented the Workforce grant was never capitalized on and it only required accounting of time. Shawn has been able to reproduce a great deal of the financials but it will take more time. Once the accounting is in place and the spreadsheets are finished Shawn can handle that off. The spreadsheets require updating every pay period. Shawn stated her concerns about making it through the single audit. The single audit hasn't been completed for last fiscal year. Dylan stated his concerns with regards to filling the position with someone in house right now. Dylan recommended they advertise the position and go through the hiring process in order to ensure fairness. Recorder/Auditor Amy Elmer commented she doesn't want to see the different grants in other departments farmed out; it is very difficult to have so many different individuals involved. The grants need to be handled in one office if possible. **Jared made a motion to keep the position in-house, to have Denice take over the Grants Administrator position, and that Jared be appointed as the liaison; seconded by Keith.** **Bevan disclosed Denice is his sister; he abstained from the vote.** Varlin commented he is leaning towards the advice of counsel; it should be advertised. Bevan asked Dylan if we are going to float the position, does it need to be combined Commissioners' Administrative Assistant/Grants Administrator? That's up to the Board; it depends on how they see the position and how they choose to advertise. There was some discussion about whether or not it was simply adding to her duties. Varlin asked if the Board has to advertise if they're just adding to Denice's duties. No, Dylan responded, but to get the best result it is advertised as a full-time position. If the Board doesn't find someone to fill the position then they can add to existing employee's duties. **Jared amended his motion to move forward with restructuring and to add Grants Administrator to Denice's duties; seconded by Keith. Bevan abstained. All voted in favor of the amended motion.** Dylan advised the Board to take into consideration what the compensation will be. If Denice takes these duties on, will she be paid for full-time versus her current salaried 32 hours? Jared commented he would like the compensation issues addressed on the next agenda, including the possibility of retroactive pay. **Jared's final motion is to restructure the Commissioners' Administrative Assistant duties by adding the Grants Administrator's duties and making Jared the liaison; seconded by Keith. Bevan abstained. All voted in favor.** Workforce has a contract that needs to be signed immediately. Dylan advised there is nothing authorizing someone else to sign. Shawn can sign the grants but it will have to come back before the Board for formal action/ratification.

#23-GRANTS

Jared made a motion to approve the letter authorizing Antoinette (Toni) Acuff to sign Aging and Disability Services Division (ADSD) grants; seconded by Keith. All voted in favor.

#24-LINCOLN COUNTY LAND ACT OF 2000

This item concerned the amendments to the LC Land Act of 2000. There was some discussion about the changes. NTTR withdrawal is being connected as is the Clark County Land Act. Neither Cory or Dylan have had a chance to review the changes. Cory suggested this be tabled to the next agenda so the Board has time to thoroughly review it. Jeff Fontaine was present via telephone. There is no time crunch right now and Jeff has sent it to members of the Congressional Delegation. Jeff gave an overview of the history of the Land Act amendments and the current proposed changes. It is possible the proposed amendments will be attached to

other bills. Kevin advised Jeff to press forward as this isn't a new concept. Jeff responded that, at some point, the county will need to support it. At that point, we'll work with our Delegation staff. **Kevin made a motion to draft a resolution to support the amendments to LCLA 2000; seconded by Bevan. All voted in favor.**

#25-OPIOID LAWSUIT

The lawsuit with regards to the opioid crisis changed. We have to opt in. This item was tabled.

#26-NEVADA DEPARTMENT OF TRANSPORTATION

Jared made a motion to approve the letter of appreciation to NDOT for paving the shoulder and shared use path along SR 321 in Pioche; seconded by Bevan. All voted in favor.

#27-LETTER OF SUPPORT FOR PRESIDENT TRUMP

With discussions held in rural counties across the country, several have put together letters of support for President Trump. Bevan asked that something be drafted before the Board moves for approval. The Board members agreed they are in favor of drafting a letter. The letter is simply showing support for our President. Varlin and Bevan will draft the letter. No action was taken on this item.

#28-WILDHORSE/BURRO ADVISORY BOARD

Bevan asked that we include in a resolution support for wild horse/burro committee's recommendations, support for the pathway forward (whatever is chosen), or support for any direct action. Bevan asked if the Board wants a mix of items in the resolution. The board took a little more direct action than the coalition's pathway forward. Bevan asked the Board if they want the resolution to include all options or do they want to just focus on one recommendation. The pathway forward includes the gathers, the fertility control, and the additional \$100 million per year. The funding is the most widely accepted because there are no lethal consequences. In collaboration with the NWF and PLC, they've modeled this in a very intense way. The data suggests they'll be at AML in 7 years. In 10 years, they'll be able to maintain AML simply through the adoption program. Most of the fertility control will be in the mares. The proposal includes multiple forms of sterilization, including mechanical sterilization and shots. There will be fertility controls that come at staged application rates. Some will be sterilized from one year, some will be three years, and some will be permanent. The problem is that they all still eat. The commitment is to gather 2 AML within a 7-year period. Feeding them is part of the \$100 million per year. Kevin supports the quickest way to get to AML, not including long term sterilization. Cory and Bevan will write a resolution for the next meeting. No action taken.

#29-PIOCHE PUBLIC UTILITIES TRANSFER OF POWER SYSTEM TO LC POWER DISTRICT

This item concerns a resolution to accept and move forward with the Pioche Town Board's recommendation to transfer the Pioche Public Utilities electrical/power system to the LC Power District. At the last Pioche Town Board meeting, PTB voted to recommend turning the system over to LCPD. PTB Chairman Tom Brown presented this item. **Kevin made a motion to approve the resolution; seconded by Jared. All voted in favor.** Operational control is estimated to be turned over on December 1st.

#30-AREA 51 EVENT

Joerg Arnu discussed the Area 51 event that took place in September. Joerg is the webmaster for Rachel and spoke on behalf of Pat & Marsha Jordan, Bob & Penny Clabaugh, Tom Scales, Jim & Jo Barfield, Tim Johnson, David & Faun Day, Kim Gregos, Linda Hellow, and himself. Joerg thanked the Sheriff and staff for keeping them safe during the event; they don't want to see another one again. There were multiple traffic accidents, including a rollover with serious injuries. There were multiple arrests for trespassing onto military property. People were racing through Rachel all weekend long and there was a shortage of food vendors at the site. The only reason this event didn't end in disaster is because less than 10% of the anticipated crowd showed up. Estimated costs to the county are over \$250,000 with little to no return in revenues. Taxpayers are concerned the losses will likely be recouped through tax increases. Rachel residents had extra expenses preparing for the event as well, including posting signs, adding/repairing fencing, and adding lights around homes. Joerg advised it doesn't make sense that the residents and the county lose money while the businesses in Rachel made money from camp sites, merchandise, food/beverage sales, vendor commissioners, and significantly increased business in the months before and after the event. This year's reasoning "the people will come anyway" won't be true for next year if it's made clear now there isn't going to be an event. The commissioners in Nye County didn't

approve an event this year and only 50 people showed up. Joerg advised road blocks to the residential areas weren't set up. There were event visitors racing through town at highway speeds all weekend, which resulted in a lot of dust and unsafe conditions for residents. The special event permit application was for 500 people and 100 cars; there was an estimated 3,000 people in attendance. Although camp fires/fireworks were prohibited, there were numerous camp fires/fireworks which created a fire hazard. There was even a firewood vendor. Trash has blown from the event site onto surrounding public land and along the highway at Rachel. No one has cleaned it up. On a windy day, a lot of dust from the disturbed ground at the event site blows across the highway, creating dust hazards for motorists. Should the event be allowed to happen again next year, Joerg advised the residents would like certain measures to be put in place. If it can be contained to the event site, the residents would support it. They'd like to see the Planning Department take full control of preparations and requirements, not the event organizer. Requirements for the permit must be defined well in advance and the organizer must provide proof of completion before the event permit is issued. Rachel residents must be involved in the planning process. The event should be limited to 3,000 people max; numbers can be controlled by selling tickets. The event organizer must pay for all costs for security, medical, and any others items associated with the event. If the county incurs any costs, the organizer should be made to reimburse the county. A percentage of the costs should be paid in advance of the event. There must be roadblocks on all roads leading into the residential areas of Rachel, in particular on Groom Avenue where there is a short cut from the event site to the back-gate road. No properties in the residential areas of Rachel can be used from the event in any way. Event rules must be enforced, especially no camp fires, weapons, or drugs. There must be a trash fence around the event and camping sites to catch blowing garbage. There must be more trash cans with lids. Varlin commented he saw how clean the area was immediately after the event. The roads can easily be repaired. There was more than enough law enforcement. Joerg commented we are all in the hole and he doesn't want it to happen again next year. Joerg was nearly rear ended; he has seen cars speeding through the area. Joerg expressed his deep gratitude for law enforcement in the area. Joerg is thankful that the number of people that showed up was so much lower than projected numbers. Treasurer Shawn Frehner stated we didn't get lucky; we planned well. The execution from Eric and the Sheriff and all involved entities made her very proud of her county and state. Shawn felt LC was very awesome during the event. EM Coordinator Eric Holt advised they had about 5.5-6 weeks to plan; they worked on planning efforts every day leading up to the event. They planned for 30-50,000 people and we could've handled that if they'd shown up. Joerg advised they had full trust that LC authorities would be able to handle the event. His concerns are more immediate. One of the things they were worried about is that they would get criminals in town who would come back later and break in. Connie West advised the helicopter was supposed to be on property in Rachel so it didn't have to be in Tikapoo. Complaints were filed, which prevented it being located in Rachel. Most of the traffic through Rachel was law enforcement and residents of the area. Joerg advised he didn't file complaints about helicopter flights; he called the FAA to find out about it but didn't file a complaint. Joerg drove around to see local activities. 3 of the 5 Commissioners spent many days in Rachel at the events. Shawn commented the Planning Department went above and beyond; they put in a lot of hours for these events. It isn't the Planning Department's job to plan the event; they simply oversee the permits. They deserve a lot of credit for the many hours they put in. Bevan stated this Board didn't decide to have an event and won't decide to have one in the future. If proposals and events come in the future that are economic opportunities, and they meet all requirements, the Board will probably approve them. We were shouldered with a burden coined by an irresponsible college student and our county responded in an overwhelmingly positive way. There was some trash blown along the road, but, other than that, the trash was cleaned up and the area was completely clean. Pat Travis thanked everyone who participated in the event. It was very stressful but the county and organizers pulled it off. Everyone wants to come back. Pat stated we did the best we could under the circumstances we were thrown into. Pat is very proud of everybody. Cory Lytle advised the current county code ordinance wasn't amended because of the timeline. Changes are on the horizon with regards to the code and these large events. The county tries to let the free market dictate these things. No action was taken on this item.

#31-COMMISSIONER REPORTS

COMMISSIONER KEITH PEARSON attended classes in Reno at the NACO convention. COMMISSIONER JARED BRACKENBURY went to the Storm Area 51 events. Jared attended the Room Tax Board meeting; they want to increase the rate. Jared met with Tri-County Weed; everything has been turned over to White Pine County. COMMISSIONER KEVIN PHILLIPS also spent time at the Storm Area 51 event. Kevin will meet with Senator Cortez-Masto on Wednesday with regards to the NTTR withdrawal. Tri-County meeting takes place on

10-10-19. Kevin will be absent at the 10-21-19 meeting. COMMISSIONER BEVAN LISTER attended the Pioche Town Board's public hearing on the electrical system. Bevan met with Dave Luttrell, Nathan Adams, and Tom Maurine to discuss the transition phase. Bevan went to NACO convention in Reno. Bevan met with the group of employees affected by grants last Wednesday. Bevan will be absent at the 10-21-19 Commission meeting. Bevan commented he is so appreciative and impressed by the employees we have who always step up and go above and beyond when needed. COMMISSIONER VARLIN HIGBEE attended the meeting on the Resource Needs Assessment. Varlin went to the NACO convention. There was some discussion about whether or not our IT systems are backed up. Yes, at the very least nightly and in some cases many times a day. Varlin has been working with John Ford, Western Elite, and Bob Abbey on the 400 acres. Varlin attended the RS2477 meetings as well.

#32-PUBLIC COMMENT

Varlin called for public comment. Treasurer Shawn Frehner reminded everyone about the spousal affidavit. If you don't get on the insurance's website your spouse will be dropped from your insurance. Shawn commented she has seen all of the offices working late during the time she has been working into the evenings. Many county employees are working extra hours. Connie West discussed Alienstock and presented numbers on camping spots; there were 607 with all that were paid for. The fires were on BLM land. If there was a fire, someone was out checking it. Those that were seen were in containers. There were very few incidences. Connie commented they made copies of all permits issued and stuck them on a board. Connie and Pat facilitated all the breakfast they could. Connie advised if this ever happens again, her restaurant can cover it as opposed to the county paying such a large amount for it. Rachel is full of no trespassing signs as well as no parking signs. There was a dust issue but there is nothing that can be done about the wind. They watered down the roads as best they could. They had a great group of volunteers. Connie advised she ended in the red by over \$89,000. The large roll offs haven't been picked up yet. Connie advised they're doing their best to clean the trash up; most of it is on BLM land. Connie continues to pick up trash. Connie wants the event to happen again. Next time it will have to be a ticketed event. Monster has hit Connie up; they want to discuss product and possibly funding. Our permitting system needs to be addressed. Connie is concerned as the state gets all the taxes from ticket sales and the county gets nothing. Pat Travis stated they had 40 extra fire extinguishers available that were staged all over the event. Connie has over 239 volunteers for next year.

#33-ADJOURN

There being no further business for the Board to attend to, the meeting was adjourned at 3:22 p.m.

Attest: _____ Approve: _____