

**APRIL 19, 2017**

The meeting was called to order at 8:30 a.m. by Carol Shank, Chairwoman. Those present were Robert McDougal and Larry Rackley, Commissioners; Bryce Shields, District Attorney; Karen Wesner, Administrative Assistant; and Lacey Donaldson, Clerk.

**APPROVAL OF MINUTES:** There were no minutes submitted for approval.

**PUBLIC INPUT:** Carolyn Hultgren stated that a few weeks ago there was a power outage due to work on Rye Patch Dam and the residents did not receive any notification. Mrs. Hultgren stated that after the fact she did receive an email.

**REVIEW OF ALL AGENDA ITEMS TO DETERMINE IF ANY DO OR DO NOT IMPOSE A DIRECT AND SIGNIFICANT ECONOMIC BURDEN ON A BUSINESS OR DIRECTLY RESTRICT THE FORMATION, OPERATION OR EXPANSION OF A BUSINESS:** Mr. Rackley made a motion that no agenda items impose a direct and significant economic burden on a business or directly restrict the formation, operation or expansion of a business. Motion seconded by Mr. McDougal and passed.

**UNCLASSIFIED DEPARTMENTS:**

**ROAD DEPARTMENT** – Mr. Hill was not present, but did submit a written report.

The crew sprayed weeds in upper and lower valleys, as well as the Rye Patch area and will head to Grass Valley when weather permits. They also laid soy bean oil on a few valley roads for dust control. They are making gravel at the Garavanta Pit as time permits. All major roads are bladed and in good condition. They are blading the minor county roads now. They also secured chips from NDOT (Nevada Department of Transportation) for the Rye Patch chip seal project and have started hauling them. They have made a plan and will start work on the Grass Valley firehouse pad on Thursday and expect to be done in a week.

**APPROVAL OF OUT OF STATE TRAVEL TO CALIFORNIA TO PICK-UP A FORKLIFT FOR THE BIG MEADOW RECYCLING:** Mr. Rackley stated that Dan Hill and Gerry Monroe are going to pick-up the forklift today.

Mr. McDougal made a motion to approve the out of state travel of Mr. Hill and Mr. Monroe to go to California to pick-up a forklift for the Big Meadow Recycling Center. Motion seconded by Mr. Rackley and passed.

**UNCLASSIFIED DEPARTMENTS, CONT.D:**

**LANDFILL** – Mitch Nielsen was present.

Mr. Nielsen reported that they are currently having the white goods hauled out. There were two loads of aluminum that was hauled out as well. The tons per day are staying between 12 and 14. Mr. Nielsen stated that he would like to sit down with Mr. Rackley and review a draft plan for a repurpose program, which would include updates to the Landfill Ordinance. He would also like to discuss the Grass Valley transfer site. Last calendar year we were 116 bins over our prior average, which cost an extra \$16,000. Two weeks ago someone from Golconda was dumping trash at the transfer station. Mr. Nielsen stated that he learned some techniques for educating the public during the SWANA (Solid Waste Association of North America) class that he would like to implement.

Mr. Nielsen also reported that the dozer will be going in to be re-tracked in the next few weeks. Mr. Nielsen also gave the Board a quote he received for equipment and to obtain Freon

Certification. He stated that salvage companies will no longer take refrigerators or freezers without a Freon Certification. The cost is approximately \$300 for the training & certification. Mr. Nielsen asked if he could use funds received on the recyclables. Mr. Rackley will review the information and discuss it with Mr. Nielsen.

**BUILDINGS AND GROUNDS** – John Handka was present.

Mr. Handka reported that last week they put sealant on the outside wall of the Justice Court and will do the rest of the building as weather permits. He also put it in the Judge's chambers. The crew has also been spaying weeds at the cemeteries. Mr. Handka stated that the arborist was here on Monday to evaluate the trees in the Courthouse Park, the Museum and the Big Meadow Cemetery.

Mr. Handka reported that they will be removing the cover off the swimming pool on Friday and begin draining it. They have also been replacing some plumbing in the pool house and getting everything ready for the season.

The new carpet will be installed in the Commission room and Mrs. Wesner's office next week.

Mr. McDougal stated that at the last Recreation Board meeting there was some discussion regarding policies and responsibilities regarding the ball fields. Mr. McDougal has asked Mr. Bullock to do some research.

**PERSHING COUNTY FIRE/AMBULANCE DEPARTMENT S** –

*AMBULANCE REPORT:* Rodney Wilcox was present.

Mr. Wilcox reported that Ambulance #902 has been in Reno the last two weeks being worked on. The exhaust system had to be gone through as well as the regen system. They also replaced gaskets in the engine. Part of the repairs will be covered by the warranty and some will not. Mr. Wilcox stated that the warranty expires in July. Mrs. Shank indicated that replacing the engine did not solve all the problems. Mr. Wilcox stated that the replacement engine is the same model, so it is having the same problems as the old one. If we continue having problems, Mr. Wilcox would suggest purchasing a new chassis to put the box on. Mr. Wilcox will get some figures on purchasing a new chassis.

It was noted that Ambulance #901 is the brand new ambulance and it has approximately 10,000 miles; Ambulance #902 is the ambulance used for transfers and has 109,000 miles; and Ambulance #903 is used as the backup and it has just over 100,000 miles. Mr. Wilcox stated that they have not had any problems with #903.

It was also noted that the Board received a letter from Chief Carmichael stating that the Lovelock Volunteer Fire Department will no longer perform transfers to any facility between the hours of 2200 and 0500.

*LOVELOCK FIRE DEPARTMENT:* Mr. Wilcox stated that Chief Carmichael was away due to an emergency and did not leave a report.

*GRASS VALLEY FIRE DEPARTMENT:* Mr. Rackley read a report sent to him by Sean Burke. The E-One pumper is in need of some significant repairs. Mr. Wilcox is working on it now and they are estimating the cost of repairs at \$1,500. The SCBA (self-contained breathing apparatus) air compressor also failed and had to be sent back to the manufacturer.

**COMMUNITY CENTER/ECONOMIC DEVELOPMENT** – Heidi Lusby-Angvick was present.

Mrs. Lusby-Angvick stated that she attended the CDBG (Community Development Block Grant) hearings yesterday and the City was approved funding for their sewer project. PCEDA met last week and local information packets were discussed. Mrs. Lusby-Angvick stated that there aren't any available. In speaking with Abbi Agency, there is some grant funding available. There is a grant match required, but Mrs. Lusby-Angvick stated that she can cover

that with Highway 95 funds. She is asking that an agenda item be placed on the next agenda to approve submitting the grant application.

Mrs. Lusby-Angvick also spoke to Abbi Agency about some community celebrations, as the City of Lovelock is turning 100 this year, Frontier Days will be 50 next summer and Pershing County will be 100 the following year. They discussed having a “100 cups of coffee” campaign.

*Approval of changes to the Community Center Rental Agreement:* Mrs. Lusby-Angvick gave an overview of the changes. One of the changes was regarding fee waivers. Mrs. Lusby-Angvick stated that more work may need to be done on this. Mr. Dougal stated that they do not have a policy that spells out eligibility. Mrs. Shank suggested not waiving any fees, as there is already a reduced rate for non-profits. PCEDA will discuss this topic further and will bring any changes back to the Commission.

Mr. McDougal made a motion to approve the changes to the Community Center Rental Agreement as presented. Motion seconded by Mr. Rackley and passed.

Mr. McDougal asked about the funding source for Economic Development. Mr. Shields will compile some background information and send it to Mr. McDougal.

*PERSHING COUNTY FIRE/AMBULANCE DEPARTMENTS, CONT.D – APPROVAL OF MUTUAL ASSISTANCE AGREEMENT FOR FIREFIGHTING AND EMS RESOURCES BETWEEN WASHOE AND PERSHING COUNTIES:* Pat Irwin, Washoe County Fire Services Community Coordinator for Gerlach, and Aaron Kenneston, Washoe County Emergency Operations Manager, were present.

Mr. Irwin explained that they already have this agreement with communities in Oregon and California as well. They will also be taking this agreement to Humboldt County. Mr. Irwin showed the Board a map of the service area.

Mrs. Shank asked if Mr. Irwin had spoken to Chief Carmichael about this. Mr. Irwin stated that he did and Chief Carmichael thought it was a good idea. Mrs. Shank also stated that she thought we were already covered under a “mutual aid agreement”. Mr. Irwin stated that the agreement she is referring to refers mostly to wildland fires.

Mr. Rackley made a motion to approve the Mutual Assistance Agreement for firefighting and EMS resources between Washoe County and Pershing County as presented. Motion seconded by Mr. McDougal and passed.

*TRANSFER OF AMBULANCE “OLD 903” TO WASHOE COUNTY TO BE USED BY GERLACH EMS:* Mrs. Shank stated that with the report given by the Ambulance Department this morning, she is not comfortable making a decision at this time. Mr. Irwin stated that he was given the same report and fully understands. He would like the Commission to remember the request if the status changes.

*REVIEW AND APPROVAL OF GRANT FUNDING AVAILABLE FOR GRASS VALLEY, IMLAY, LOVELOCK, AND RYE PATCH VOLUNTEER FIRE DEPARTMENTS FOR EQUIPMENT AND TRAINING:* It was noted that this is the Nevada Division of Forestry Grant for Fire Assistance.

Mr. McDougal made a motion to approve the request of the Grass Valley, Imlay, Lovelock, and Rye Patch Fire Departments to apply for grant funding through the Nevada Division of Forestry for equipment and training. Motion seconded by Mr. Rackley and passed.

*DISCUSSION AND APPROVAL OF LETTER ADDRESSED TO THE LOVELOCK CITY COUNCIL REQUESTING REMOVAL OF AND PROHIBITION OF ALCOHOLIC BEVERAGES FROM THE LOVELOCK FIRE DEPARTMENT BUILDING “OLFERS GARAGE”:* Mr. Shields gave the Board a memo he prepared regarding alcohol in the Lovelock Volunteer Fire Station. Mr. Shields reiterated that the main concern is vicarious liability. Mr. Shields also stated that there are approximately 195 fire departments throughout the State. The DA’s office staff tried to contact each one, but only spoke to 123. Of those, 105 do not allow alcohol in their firehouses

under any circumstances. The remainder of those contacted only allows alcohol during special events with approval of the District Chief.

Mr. Shields also spoke to Pershing County being a drug and alcohol free workplace. The Drug-Free Workplace Act of 1988 requires that all Federal grant or loan recipients certify that they will meet certain requirements for providing a drug-free workplace. Recipients who fail to meet this requirement may lose current and future funding. The County has included alcohol in their policy. Having alcohol in a building that is shared by Pershing County could jeopardize our certification.

Mrs. Shank agreed with Mr. Shields findings.

Marti Nolan asked that the Board table any action until Chief Carmichael can be present.

Mrs. Shank stated that they have reviewed the Fire Department's policies, but they don't change the liability issue. It also doesn't change public perception or send the right message to our youth.

Mr. McDougal stated that, as with so many things, times change. He is also very concerned that we could lose our ability to obtain Federal funding. Mr. Rackley agreed.

Mrs. Shank stated that it was also mentioned that the alcohol was a stress reliever for dealing with incidents/accidents that occur. The County needs to help come up with a more appropriate coping mechanism. Mr. McDougal feels it is a fine coping mechanism; however, the location is an issue.

Pat Irwin, former member of the LVFD stated that the Board should wait until the Chief is available to join in the discussion. Mrs. Shank stated that this item was on the last agenda and Chief Carmichael has participated in the discussion. Additional comment isn't going to change the liability issue. Mr. McDougal stated that may be true, but it is a matter of showing respect to the Chief.

Mr. Rackley made a motion to postpone action until the next meeting. Motion seconded by Mr. McDougal. Mrs. Shank opposed. Motion carried.

*LEPC – Approval of United We Stand Grant:*

Mr. McDougal made a motion to approve the submittal of the United We Stand Grant application in the amount of \$25,000. Motion seconded by Mr. Rackley and passed.

The meeting recessed at 9:50 a.m. and reconvened at 9:52 a.m.

#### **ELECTED DEPARTMENTS:**

LACEY DONALDSON, CLERK-TREASURER – Mrs. Donaldson did not have anything to report.

*Approval of corrections/changes to the Tax Roll:* A Tax Roll correction was submitted for APN #010-443-01, Nathan Tolbert. There was an error in calculating the value of the residence, resulting in a refund of \$1,747.82, which covers three fiscal years.

Mr. McDougal made a motion to approve the Tax Roll adjustment as presented and issue a refund in the amount of \$1,747.82. Motion seconded by Mr. Rackley and passed.

LAURI CERINI-JONES, ASSESSOR – Mrs. Cerini-Jones gave the Board some information on the ADS replacement. The Treasurers and Assessors will be meeting tomorrow to wrap up the vendor decision. The current estimate is approximately \$5 per parcel.

BRYCE SHIELDS, DISTRICT ATTORNEY – Mr. Shields did not have anything to report.

*Approval of one-time increase to the County's per diem and reimbursement rates for out of state travel and lodging to the Western States Child Support Enforcement Conference in September 2017 which will be fully funded with incentive funds from the State:* Mr. Shields stated that the County's per diem and reimbursement rates are lower than the State's and the

State will only reimburse based on the County's rates. A one-time increase to the County's rates would allow for a higher reimbursement.

Mr. McDougal made a motion to approve the one-time increase to the County's per diem and reimbursement rates for out of state travel and lodging to attend the Western States Child Support Enforcement Conference, which will be fully funded with incentive funds from the State. Motion seconded by Mr. Rackley and passed.

**JERRY ALLEN, SHERIFF** – Sheriff Allen stated that he thought the workshop regarding the Law Enforcement Center went well. They are currently short-staffed, with one Deputy out on an emergency.

*Youth Resource Officer Grant:* Sheriff Allen stated that he would forward the grant application to the Board and the Mrs. Childs. Sheriff Allen stated that this year we are required to do a cost share and he is proposing a 75/25 split. His original intent was that when we got to this point that the cost sharing would be between the County, City and School, but the City and School are in harder financial straits than the County.

Mr. McDougal made a motion to approve the submittal of the Youth Resource Officer Grant. Motion seconded by Mr. Rackley and passed.

*Letter of Intent for 2017 Burning Man Event:* Sheriff Allen stated that his intent has always been to go segregated command; however, with the current Settlement Agreement, the funding doesn't allow him to provide adequate law enforcement services, so he will once again go with an integrated command.

**PROCLAMATIONS AND AWARDS: NEVADA WILDFIRE AWARENESS MONTH, MAY 2017** – Mr. McDougal made a motion and read a Proclamation declaring May 2017 Nevada Wildfire Awareness Month. Motion seconded by Mr. Rackley and passed.

**GRASS VALLEY ADVISORY BOARD:** Kim Klemmish was present.

Ms. Klemmish reported that the Town Hall is still scheduled for Saturday, April 29<sup>th</sup> at 10:00 a.m.

**AL AND ROSE ANN MORRIS: APPROVAL OF AN EASEMENT FOR ELECTRICITY ON PERSHING COUNTY OWNED PROPERTY, LOT 16, SECTION 16, RANGE 33E, TOWNSHIP 29N** – Mr. Shields stated that he did not have all of the facts in regards to this request. If this property is held in trust for non-payment of taxes, we do not have the authority to grant such an easement.

**CORRESPONDENCE:** There was no correspondence discussed.

The meeting recessed at 10:29 a.m. and reconvened at 10:30 a.m.

**APPROVAL/SELECTION OF POTENTIAL NEW LAW ENFORCEMENT CENTER'S DESIGN, CONSTRUCTION, LOCATION, AMENITIES, FUNDING, AND OTHER MATTERS RELATING THERETO:** Mrs. Shank stated that the Commission held a very productive workshop yesterday. Mr. McDougal checked if any of the parcels were in the flood zone and none of them are. Mr. Rackley did some research in regards to fiber optics. The first 1,000 feet are free.

Sheriff Allen has concerns with the property in the Industrial Park due to it being outside of the City and the proximity to the sewer plant. Sheriff Allen also stated that he doesn't feel the current footprint is feasible.

Mr. McDougal felt the cost of the other city property was a factor. He also had concerns with taking a prime commercial property off the market.

Mr. Rackley spoke with NV Energy about three phase power in the Industrial Park and it is available.

Mrs. Shank asked Mr. Shields what the next step would be if the Board decided to choose the McDougal Livestock parcel. Mr. Shields stated that even though it is offered for \$1, it would still have to be appraised. Mr. Shields would like to do some further research. This will be put on the next agenda.

**ACCEPTANCE OF APPRAISAL FOR APN #S 001-162-01, 02, 03, 04, 05, & 06, INCLUDING THE SOUTHWEST ½ OF THE 9<sup>TH</sup> STREET RIGHT OF WAY OWNED BY LOVELOCK ECONOMIC DEVELOPMENT GROUP, LLC:** Mr. McDougal made a motion to accept the appraisal of the six parcels, including the Southwest ½ of the 9<sup>th</sup> Street right-of-way owned by Lovelock Economic Development Group, LLC as presented and that Pershing County pay for half of the appraisal fee. Motion seconded by Mr. Rackley and passed.

**KYLE B. SWANSON, ESQ.:** REQUEST FOR ANNUAL EXTENSION OF THE PERSHING COUNTY CONFLICTS CONTRACT FOR 2017-2018 – Mr. Swanson is requesting a \$2,750 increase to reflect that he hasn't received an increase in the last three years. He has also seen a substantial increase in appointed cases.

Mr. McDougal made a motion to approve the annual extension of Kyle B. Swanson's Conflicts Contract with an increase of \$2,750.00 for Fiscal Year 2017-18. Motion seconded by Mr. Rackley and passed.

Mr. Shields stated that he would like to reach out to Mr. Swanson about making his request sooner and possibly locking into a three year contract.

Mr. McDougal made a motion to withdraw his previous motion. Motion seconded by Mr. Rackley and passed.

**PERSHING COUNTY VEHICLE POLICY: DISCUSSION REGARDING POSSIBLE CHANGES TO THE POLICY IN RELATION TO APPROVED PASSENGERS IN COUNTY VEHICLES** – Mr. Shields asked that this item be put back on the agenda as at the last meeting it was approved to allow transportation of non-employees in County vehicles to be approved by the Department Head. After further review, Mr. Shields feels this approval needs to be made by the Board of Commissioners.

Mr. Rackley made a motion to approve the changes to the Pershing County Vehicle Policy in relation to approved passengers in County vehicles as discussed. Motion seconded by Mr. McDougal and passed.

**ACCEPTANCE OF LIST OF SAFETY SENSITIVE EMPLOYEES WHO WILL BE SUBJECT TO RANDOM DRUG TESTING PURSUANT TO THE PERSHING COUNTY VEHICLE POLICY** – Mr. McDougal made a motion to approve the list of Safety Sensitive Employees who will be subject to random drug and alcohol testing pursuant to the Pershing County Vehicle Policy. Motion seconded by Mr. Rackley and passed.

**SLETTEN CONSTRUCTION, PRESENTATION REGARDING DESIGN AND CONSTRUCTION OF POTENTIAL NEW LAW ENFORCEMENT CENTER:** It was noted that Sletten Construction gave their presentation at yesterday's workshop.

**DISCUSSION REGARDING INSTALLING INTERNET SERVICE IN THE COMMISSION MEETING ROOM:** Mrs. Shank stated that there has been discussion in the past about installing internet in the Round Room for the Commission's use and patrons in the Law Library. She also mentioned that the Commissioner's new phones can be used for hotspots for their laptops.

Mr. Handka stated that he needs internet for the camera system. Mr. Handka stated that this would be a stand-alone system and wouldn't affect our ADS configuration or the firewall in the District Attorney's office.

Mrs. Childs stated that none of this has been budgeted for.

The Board asked Mr. Handka to get quotes and they will put this back on the agenda.

**APPROVAL OF VOUCHERS:** Mr. McDougal made a motion to approve the vouchers as submitted. Motion seconded by Mr. Rackley and passed.

**PUBLIC INPUT:** Nanette Chalupa and Tracey Neeley from A & H Insurance spoke regarding the County's insurance renewal and gave the Board a spreadsheet. They are still waiting for numbers on the dental, vision, and life premiums.

Darlene Moura spoke concerning the Law Enforcement Center. Mrs. Moura stated that she was opposed to it being placed on the commercial property in the City. She also has some concerns about the County's budget and paying for a new facility.

The meeting recessed at 11:30 a.m. to meet in a closed labor session pursuant to NRS 288.220 to meet with the County's labor representative regarding labor negotiations. The meeting reconvened at 12:11 p.m.

**REPORT FROM LEGAL COUNSEL:** Mr. Shields stated that he did not have anything to report. He is still tracking some Legislation and will give the Board information as it comes available.

**REPORT FROM ADMINISTRATIVE ASSISTANT:** Mrs. Wesner's office is in disarray in preparation for the carpet removal and installation. Mrs. Wesner will be out of the office tomorrow through the first of May. The DA's office will be doing the agenda.

**UPDATE ON THE PERSHING COUNTY ECONOMIC DEVELOPMENT AND CONSERVATION ACT:** Mr. McDougal met with Debbie Struhsacker and Allen Freemyer. Senator Cortez-Masto has not signed in support of the bill as of yet. Mr. McDougal was asked to reach out to her office. It was also suggested to have Roger Mancebo reach out since he is a Democrat.

**MATTERS OF THE BOARD FOR DISCUSSION, BOARD MEMBER REPORTS, BOARD LIAISON REPORTS:** Mr. Rackley would like the positions for the 911 Advisory Board advertised. The Recycling Center was given a forklift. It does need new tires and a tune-up. In regards to the TV Board, there is a conference in Denver in May and Shelly Nee is not able to attend so Mr. Rackley will.

Mr. McDougal will attend the Western Nevada Development District meeting next week. Mr. McDougal stated that the Planning Department will be requesting a few items on the next agenda; one, to approve the updated forms and; two, to move to the most updated Uniform Building Codes.

Mrs. Shank was out of town last week. The Museum Board met last night and they have some clean-up to do before the Lovelock Cave Days. Mrs. Shank would like to see a decision made in regards to the Code Enforcement Officer, so an item will be put on the next agenda. Mrs. Shank stated that she received an email regarding water bills at the Legislature. Mr. McDougal stated that the Central Nevada Regional Water Authority did testify in opposition to AB298.

Mrs. Shank would like to regularly schedule Department Head meetings. She asked for Mr. McDougal's and Mr. Rackley's thoughts in regards to whether one commissioner should sit in or if they should have a workshop so all can attend. She also asked if another Budget Workshop is needed. The Board felt they needed to schedule another meeting.

Mr. Shields stated that he reached out to Mineral and Lander counties about meeting to discuss the 11<sup>th</sup> Judicial District Court budget. Mineral County was willing, but Lander is not as their DA is not available in the foreseeable future.

**PUBLIC INPUT:** There was no public input at this time.

As there was nothing further to come before the Board, the meeting adjourned at 12:31 p.m.

Approved 5/17/17: \_\_\_\_\_ /s/  
Carol Shank, Chairwoman

Attest: \_\_\_\_\_ /s/  
Lacey Donaldson, Clerk