

**APRIL 5, 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:** Mr. Rackley made a motion to approve the minutes from the March 1, 2017 regular meeting as submitted. Motion seconded by Mrs. Shank. Mr. McDougal abstained as he was absent from that meeting. Motion carried.

**PUBLIC INPUT:** Carolyn Hultgren spoke about the progress the Pershing Healthcare Foundation has made towards their \$10,000 goal. Mrs. Hultgren stated that have collected 10% .

**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:** Mrs. Shank asked about Agenda Item 10b. Mr. Rackley and Mr. McDougal did not think that item fell under this category.

Mr. McDougal 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. Rackley and passed.

**UNCLASSIFIED DEPARTMENTS:**

**ROAD DEPARTMENT** – Dan Hill was present.

Mr. Hill reported that the crew has been very busy. They worked with Mr. DeLong and got Poker Brown opened up. Placeritas should be done today. They patched some big holes on Antelope. They also fixed the Indian Caves road. They did some work in Unionville. The screening plant is running in Lower Valley. They are starting to spray weeds and repairing and replacing culverts where needed.

*Approval to advertise and hire to fill a vacant position of Road Worker I/II:* Mr. Rackley made a motion to approve the advertisement and hiring to fill the vacant Road Worker I/II position. Motion seconded by Mr. McDougal and passed.

*Approval to go to bid to chip seal Old Victory Highway:* Mr. Hill stated that there is approximately \$140,000 in a deferred account to be used in the Humboldt River Ranch Development. They will be doing 4.2 miles using those funds. Mr. Hill stated that there is not any Regional Transportation Funds available until July.

Mr. McDougal made a motion to approve going to bid to chip seal 4.2 miles of Old Victory Highway. Motion seconded by Mr. Rackley and passed.

**LANDFILL** – Dan Hill was present.

Mr. Hill reported that they delivered the grizzly to the Landfill. There was quite a bit of labor involved in the construction. Mr. Hill stated that the material cost approximately \$5,000. He also reported that Mr. Nielsen is working on getting rid of the scrap pile.

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

Mr. Handka reported that they have been getting the lawn equipment ready for the mowing season. They cleaned out the bathrooms at the ball fields. Because of the weather, Mr. Handka stated that he still hasn't turned on any water. Mr. McDougal asked if it can be turned on and off if there are events scheduled. Mr. Handka stated that he can't as it is all handled through the City.

Mr. Handka stated that they have been spraying weeds. He also had inmates come out to clean up weeds at the ball fields and at the Museum. Weather permitting; he will get out to Imlay and Grass Valley as well.

Mr. Handka stated that the a/c unit has been installed at the Imlay Community Center. He also stated that he was unaware that the building is being used as a pre-school during the week. The Board was not aware of this either. Mr. Handka stated that he was told it was a school affiliated program. Mrs. Shank will find out.

Mr. Handka stated that they plan on spraying some sterilant out at the Airport tomorrow.

*Fraternal Order of Eagles Aerie #1557, Request to use McDougal Sports Complex on April 16, 2017 for annual Easter Egg Hunt:* Mr. McDougal made a motion to approve the request of the Fraternal Order of Eagles Aerie #1557 to use McDougal Sports Complex on April 16, 2017 for the annual Easter Egg Hunt. Motion seconded by Mr. Rackley and passed.

SENIOR CENTER/VOLUNTEER COORDINATOR – Mr. Rackley stated that Mrs. McKinney is unable to attend today as there is a State Inspector visiting today.

*Approval to advertise/hire for Administrative Clerk I/II position:* Mr. Rackley made a motion to approve the advertising and hiring to fill the Administrative Clerk I/II position at the Senior Center. Motion seconded by Mr. McDougal and passed.

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

*Approval to raise the PCCC fees as proposed by PCEDA/Community Center Board to take effect immediately and include fee adjustments on all events/meetings/etc. not currently under contract or having a deposit on file:* Mrs. Lusby-Angvick asked if the amount of the increase could be put in a special fund to be used for improvements to the Center. Mrs. Childs stated that some of the fees do go into a deferred revenue account, so maybe this could too.

Mr. McDougal made a motion to approve the increase to the Pershing County Community Center fees as proposed by the PCEDA/Community Center Board to take effect immediately, including the fee adjustments on all events, meetings, etc. not currently under contract or having a deposit on file, and setting aside the increase in a deferred revenue account to be used for building improvements. Motion seconded by Mr. Rackley and passed.

Mrs. Lusby-Angvick stated that she would like an item on the next agenda as they are adjusting the contract as well.

PERSHING COUNTY FIRE/AMBULANCE DEPARTMENTS –

*Lovelock Fire Department:* Chief Carmichael was present.

Chief Carmichael reported that they currently have 18 active members. They had a Chiefs meeting, but one Chief was not able to attend. They discussed future plans and how the departments could help each other out.

Chief Carmichael also spoke about the US Recovery program. He spoke with the former Chief and some other departments that are using the program. Some of the issues voiced were the difficulty collecting from insurance companies and that the process is ineffective.

Chief Carmichael gave the Board a letter written by him with input from the members of the Fire Department. Chief Carmichael read the letter out loud and it will be made part of the record.

Mrs. Shank stated that there are a lot of things in the letter she is not aware of. Mr. Rackley asked about the survey that was mentioned in the letter. Chief Carmichael feels the survey was very biased. Mrs. Shank stated that the survey was arranged by one of the Commissioners. No changes were made based on the findings of the survey.

Mrs. Shank stated that the community has great respect for the Lovelock Volunteer Fire Department. Mrs. Shank stated that she has spoken with Chief Carmichael about various issues in the past. She contacted POOL/PACT in regards to providing an Employee Assistance Program for the volunteers.

Chief Carmichael stated that the members of the department feel that the item on the agenda that the Commission is proposing to present to the City is very politically motivated. He stated that Mr. Rackley came to one of their meetings, but no one has come out and asked them about the alcohol. Mrs. Shank stated that she also had a conversation with Chief Carmichael about the bar and was told that unless they were made to take it out that they wouldn't. Mrs. Shank stated that the County is concerned about the liability. Chief Carmichael stated that he can't guarantee that alcohol isn't being used away from the Firehouse, but they do have Standard Operating Procedures that address this.

Mr. Shields explained that Chapter 21 of NRS pertains to governmental immunity to lawsuits. There is a provision that deems volunteer firefighters or ambulance personnel employees for the purpose of that chapter. This protects them under the "Public Duty Doctrine" and they are shielded from liability for negligent acts or omissions that they cause in the scope of their duties; however, they lose those protections if the harm is caused by an affirmative act by the employee.

Mr. Shields also stated that the subject of alcohol in firehouses has been grappled with throughout the country. Generally, the city or county doesn't get involved unless there is a catastrophic incident. As the Commission's legal counsel, he has concerns about liability issues. In negligent litigation institutional controls, policies, training, etc. is looked at and allowing a bar/alcohol would be viewed as a lack of institutional controls.

Chief Carmichael stated that the membership held a meeting on Monday and they are going to start locking up the meeting room and offices so that the alcohol isn't readily available. He appreciates Mr. Shield's statements, but would like to see some further documentation.

Mr. Shields also stated that any accident involving alcohol wouldn't be covered under the County's insurance policy and it would be outside a worker's compensation claim, so there is also an issue with protecting the firefighter's best interest.

Rodney Wilcox stated that Humboldt County's fire departments may be alcohol free, but they compensate their volunteers with the maximum PERS (Public Employees Retirement System) contribution. The County just raised the Lovelock Department's, but it is still only \$400. Mr. Wilcox feels an increase would be a good incentive to join the Department.

CJ Safford stated that the Department's morale and recruitment is as low as it has ever been and doing this now would kill the Department.

*Discussion and approval of letter addressed to the Lovelock City Council requesting the removal of and prohibition of alcoholic beverages from the Lovelock Fire Department Building "Olfers Garage":* The Board would like to review the Department's policies and procedures before making a decision on this item.

*Approval of Agreement between Pershing County and BLM (Bureau of Land Management) Fire for 2017:* Donovan Walker and Eric Nolan were present on behalf of the BLM.

Mr. Shields stated that there were no substantive changes to either agreement.

Mr. Rackley made a motion to approve the Cooperative Fire Protection Agreement and the 2017 Operating Plan between Pershing County and the Bureau of Land Management, Winnemucca District. Motion seconded by Mr. McDougal and passed.

*Imlay Fire Department:* Chief Carmichael stated that Chief Monroe expressed some concerns at their Chief's meeting about the truck that was donated to them. Mr. Wilcox stated that the truck needs a new tank. There is a company that would replace the tank and go through all the testing, etc. for approximately \$10,000.

#### **ELECTED DEPARTMENTS:**

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

*Approval of corrections/changes to the Tax Roll:* There were no corrections/changes to the Tax Roll submitted.

*Approval to open account with Staples Office Supply:* Mr. Rackley made a motion to approve the opening of an account with Staples Office Supply. Motion seconded by Mr. McDougal and passed.

RENE CHILDS, RECORDER-AUDITOR – Mrs. Childs gave the Board the ending fund balances.

LAURI CERINI-JONES, ASSESSOR – Mrs. Cerini-Jones gave the Board an update on her attempt to collect on delinquent accounts.

*Request to remove personal property tax on non-billable accounts:* Mr. McDougal made a motion to approve the request to remove personal property tax on non-billable accounts as presented by Mrs. Cerini-Jones. Motion seconded by Mr. Rackley and passed.

JERRY ALLEN, SHERIFF – Sheriff Allen reported that the Commissioners inspected the Jail this morning and it seemed to go well. DARE Graduation was held yesterday at the Elementary School. They are down an employee, so they have been dealing with a bit of turmoil. Sheriff Allen stated that he did sign up two new Reserves Monday, so that should help a bit. Sheriff Allen stated that they have received several reports of theft in the outlying areas of the county.

*Approval to move funds left over from Capital Outlay to purchase Tasers and computer docks at a cost of \$6,141.73:* Sheriff Allen explained that the \$6,141.73 is what is left in Capital Outlay and it was going to be used to purchase a bed slide and tonneau cover for the new truck. Sheriff Allen feels that the purchase of the Tasers is more critical. The cost for the Tasers and computer docks is \$6,083.62, but that cost could increase slightly.

Mr. Rackley made a motion to approve the redistribution of Capital Outlay funds in the amount of \$6,141.73 to purchase Tasers and computer docks. Motion seconded by Mr. McDougal and passed.

**PROCLAMATIONS AND AWARDS: NATIONAL VOLUNTEER WEEK, APRIL 2-8, 2017** – Mr. McDougal read a Proclamation and made a motion declaring April 2-8, 2017 National Volunteer Week. Motion seconded by Mr. Rackley and passed.

**NATIONAL COUNTY GOVERNMENT MONTH, APRIL 2017** – Mr. Rackley read a Proclamation and made a motion declaring April 2017 National County Government Month. Motion seconded by Mr. McDougal and passed.

Mr. McDougal wanted to reiterate the incredible value and importance of all the volunteers in Pershing County.

**CORRESPONDENCE:** Mrs. Shank stated that the County has received the first payment from Burning Man and we need to pay for the radios that the Sheriff's office has purchased from them.

**PITNEY BOWES, LEASE AGREEMENT FOR POSTAGE MACHINE IN THE PERSHING COUNTY COURTHOUSE:** Mr. McDougal made a motion to approve the lease agreement with Pitney Bowes for the postage meter in the Pershing County Courthouse as presented. Motion seconded by Mr. Rackley and passed.

**INTRASTATE INTERLOCAL CONTRACT BETWEEN PUBLIC AGENCIES, STATE OF NEVADA, DEPARTMENT OF HEALTH AND HUMAN SERVICES, AGING AND DISABILITY SERVICES DIVISION (ADSD) AND PERSHING COUNTY:** Mr. Shields stated that the only change to this agreement is that it will automatically renew on an annual basis unless there is an objection by either party.

Mr. Rackley made a motion to approve the Intrastate Interlocal Contract between Public Agencies, State of Nevada, Department of Health and Human Services (ADSD) and Pershing County as presented. Motion seconded by Mr. McDougal and passed.

**PLANNING AND BUILDING DEPARTMENT AND IMLAY WATER:** James Evans was present.

UPDATE – Mr. Evans did not have anything to report. He did give the Board the monthly permits issued and fees collected report. Mr. Evans stated that he will be meeting with Mark Hauenstein from Technical Designs on the 18<sup>th</sup> to review our forms.

CONTINUANCE OF REQUEST FOR REVIEW AND APPROVAL OF A PARCEL MAP APPLICATION ON APN #007-421-01 FOR ROBERT KENNERSON. THE APPLICANT IS PROPOSING THE DIVISION OF THE EXISTING PARCEL INTO ONE (1) 13.08 ACRE +/- PARCEL AND THREE (3) 1.0 ACRE +/- PARCELS. THE APPLICANT IS PROPOSING TO USE THE THREE (3) ONE ACRE PARCELS TO PUT UP ADVERTISING BILLBOARDS AND POSSIBLY SELL THE REMAINING 13.08 ACRE PARCEL. THE PARCEL IS ZONED INDUSTRIAL (I) AND LOCATED ABOUT 6 MILES SOUTHWEST OF LOVELOCK, NV OFF INTERSTATE 80 IN PERSHING COUNTY – Mr. Kennerson was present.

Mr. Shields spoke regarding the Boards questions at the last meeting regarding regulations, etc. The State has regulations that are consistent with Federal Regulations. Pershing County doesn't currently have any additional regulations. Mr. Shields wanted to note that counties that do have additional regulations usually apply additional restrictions to areas outside of commercial or industrial areas. Mr. Kennerson's property is zoned Industrial. Mr. Shields also stated that the Board can pursue additional regulations, but those cannot be imposed on Mr. Kennerson at this time.

Mr. McDougal mentioned his confusion regarding the "source of water" noted on the form. Mr. McDougal stated that the form should allow the applicant to state that they do not need water for the project.

Mr. McDougal made a motion to approve the Parcel Map Application on APN #007-421-01 for Robert Kennerson, noting the recommendation of the Planning Commission and referencing Findings A-O in Section 17.404.35 of the Pershing County Development Code. Motion seconded by Mr. Rackley and passed.

Mr. Rackley stated that he has spoken with John Heizer in regards to being able to further split 40 acre parcels. Mr. Heizer would like the Board to hold a workshop.

**PERSHING COUNTY VEHICLE POLICY:** DISCUSSION REGARDING POSSIBLE CHANGES TO THE POLICY IN RELATION TO APPROVED PASSENGERS IN COUNTY VEHICLES – Mr. Shields gave the Board the proposed changes. The proposed changes apply to Paragraph 7 on Page 3 of the Policy and reads as follows:

*Except as authorized herein, persons not employed by the County are prohibited from driving or being transported in County vehicles. The spouse of a County employee may be transported in a County vehicle only if traveling outside of Pershing County with the employee for County business and prior authorization is obtained from the Pershing County Board of Commissioners. Notwithstanding this provision, during an emergency situation (as defined above) during which a family member needs immediate medical attention, a County employee may transport a family member or person other than a County employee in a County vehicle to an appropriate medical facility for treatment.*

Mr. McDougal asked why "spouse" is mentioned and not just "a person other than a County employee". Mr. Shields did not have a problem with that, but also wanted to stress that it is only if essential to County business. Mrs. Shank questioned if authorization had to be obtained at a meeting. Mr. Shields stated that a form could be used similar to a vacation request form, to be signed by the Department Head.

Mr. McDougal made a motion to amend the Pershing County Vehicle Policy with the changes discussed. Motion seconded by Mr. Rackley and passed.

**ACCEPTANCE OF LIST OF SAFETY SENSITIVE EMPLOYEES WHO WILL BE SUBJECT TO RANDOM DRUG TESTING PURSUANT TO THE PERSHING COUNTY VEHICLE POLICY –**

Mrs. Shank stated that when the Commission adopted the current Personnel Rules, a section refers to drug testing. Mrs. Shank stated that when creating the list they tried to include everyone who is assigned a County vehicle.

Mrs. Cerini-Jones stated that after reading the policy she feels all employees, whether operating a County vehicle or their personal vehicle while performing their job duties, should be subject to random testing. Mr. Shields would like to do some additional research and asked that this item be put back on the next agenda. Mrs. Childs stated that she added funding under General Government to cover the cost of the testing.

**BOARD APPOINTMENTS: TV BOARD –** A letter of interest was received from Jeff Campbell.

Mr. Rackley made a motion to appoint Jeff Campbell to the TV Board to fill a vacant City seat with a term expiring January 1, 2018. Motion seconded by Mr. McDougal and passed.

**A AND H INSURANCE: UPDATE ON INFORMATION FOR PERSHING COUNTY HEALTH BENEFITS AND APPROVAL OF VARIOUS PLAN OPTIONS FOR PERSHING COUNTY –** Tracy Neeley and Nanette Chalupa were present from A & H.

Ms. Chalupa spoke about the various plan options that are available. She also asked if the County would be amenable to offering a stipend for those choosing a High Deductible Health Plan (HDHP) with a Health Savings Account (HSA). They are proposing that the difference between the amount the County currently provides for insurance and the HDHP premium could be deposited monthly into the employee’s HSA.

Ms. Neeley stated that she is suggesting that the County pick a plan similar to the current plan or even increase to a \$1,000 deductible plan and then offer a High Deductible plan.

Mr. McDougal made a motion to proceed with the selection of two plans as proposed and pending the final premium numbers and the amount of the contribution. Motion seconded by Mr. Rackley and passed.

**BID AWARD FOR THE GRASS VALLEY FIRE HOUSE ADDITION:** Four bids were received and opened on April 3, 2017 by DA Shields, Commissioner Shank and Mrs. Donaldson. The bids were as follows:

Z7 Development	\$247,537
Michael Clay Corporation	\$189,937
Aspen Creek Construction	\$239,000
Simerson Construction	\$249,546

Mr. Shields stated that he reviewed the bids for compliance and he did not see any problems. It was noted that there is \$150,000 earmarked for this project, but additional funds are available in the Building Fund.

Mr. McDougal made a motion to award the bid for the Grass Valley Firehouse addition to Michael Clay Corporation in the amount of \$189,937, being the lowest, most responsive bid. Motion seconded by Mr. Rackley and passed.

The meeting recessed at 11:10 a.m. for a Litigation meeting.

At 11:30 a.m. the Board of Commissioners met in a closed session pursuant to NRS 288.220 to meet with the County’s labor representative regarding labor negotiations.

The meeting reconvened at 12:02 p.m. to review vouchers.

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

**REPORT FROM LEGAL COUNSEL:** Mr. Shields commented on an email received from Brenda Negri. It is his understanding that Mrs. Richardson has complied with the Commission’s order. He will continue working with Sheriff Allen on the issue.

**REPORT FROM ADMINISTRATIVE ASSISTANT:** Mrs. Wesner stated that she is trying to stay on top of the BDRs.

**REQUEST FOR REMOVAL OF INVENTORY ITEM CM0047, PEAVEY MMA 8150 SOUND SYSTEM AND TRANSFER TO THE COMMUNITY CENTER’S INVENTORY –** Mr. McDougal made a motion to approve the removal of Inventory Item CM0047, Peavey MMA 8150 sound system, from the Commission’s Inventory and transfer it to the Community Center. Motion seconded by Mr. Rackley and passed.

**UPDATE ON MATTERS RELATING TO THE PERSHING COUNTY ECONOMIC DEVELOPMENT AND CONSERVATION ACT:** Mr. Shields stated that he has a meeting with Allen Freemyer and Debra Struhsacker next week.

**MATTERS OF THE BOARD FOR DISCUSSION, BOARD MEMBER REPORTS, BOARD LIAISON REPORTS:** Mr. Rackley reported that he found a forklift for the Recycling Center and has submitted a proposal.

Mr. McDougal reported that last Friday he attended the Central Nevada Water Authority meeting. A presentation was given by John Ruhs, the State Director of the Bureau of Land Management. Mr. McDougal asked him if he would be willing to give a presentation to the Commission about the BLM’s responsibilities regarding the Pershing County Economic Development and Conservation Act. Mr. Ruhs was amenable to that.

Mrs. Shank spoke with Mr. Shields about setting up a meeting with Lander and Mineral Counties to discuss the 11<sup>th</sup> Judicial District.

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

As there was nothing further to come before the Board the meeting adjourned at 12:34 p.m.

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

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