The Board of Elko County Commissioners meet in regular session on February 20, 2002, at 1:30 p.m., in Room 105, in the Elko County Courthouse, at 571 Idaho Street, Elko, Nevada.

There were present: County Commissioners Brad Roberts, Chair Nolan Lloyd Mike Nannini Warren Russell John Ellison

County Manager Robert Stokes Deputy District Attorney Kristin McQueary County Clerk Win Smith Deputy County Clerk Marilyn Tipton Chief Financial Officer Cash Minor Community Development Dir. Charles Voos Public Works Director Lynn Forsberg Road Supervisor Otis Tipton Planning and Zoning Randy Brown

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The following proceedings were held:

Commissioner Roberts called the regular meeting to order at 1:30 p.m.

PLEDGE OF ALLEGIANCE:

Commissioner Roberts lead the meeting participants in the Pledge of Allegiance.

APPROVAL OF PRECEDING MINUTES:

The Board considered approval of the preceding minutes for the meeting held on February 6, 2002: Board of County Commissioners; Jackpot Town Board; and the preceding minutes for the meeting at February 7, 2002: Board of County Commissioners; Board of County Highway Commissioners; and the Elko County Liquor Board.

MOTION: Commissioner Ellison moved to approve the preceding minutes for the meeting held on February 6, 2002: Board of County Commissioners; Jackpot Town Board; and the preceding minutes for the meeting at February 7, 2002: Board of County Commissioners; Board of County Highway Commissioners; and the Elko County Liquor Board. Commissioner Lloyd seconded the motion. The motion was passed unanimously.

COMMENTS BY THE GENERAL PUBLIC:
No comments were submitted by the general public.

CORRESPONDENCE, ACKNOWLEDGMENTS AND NOTICES INCLUSIVE OF THE FOLLOWING ITEMS:

Bureau of Land Management:
Dear Stakeholder letter dated 1/31/02 inviting participation in meetings on programmatic Environmental Impact Statement to evaluate treatments that will enhance vegetation communities, including watersheds and fish and wildlife habitats. To be held in Elko on 2/21/02 at the Hilton Garden Inn.

U.S. Department of the Interior, U.S. Geological Survey:
News Release dated 1/29/02 regarding revised estimates made of ground-water discharge from Oasis Valley, Nye County, Nevada.

United States Senate- U.S. Senator Harry Reid:
Whip Round-Up newsletter dated 2/1/02.

Nevada Dept of Conservation and Natural Resources, Division of Environmental Protection:
Notice of public workshops on proposed changes to the NAC 519A mining reclamation regulations. Elko workshop scheduled for 2/15/02.

Nevada Dept of Conservation and Natural Resources, Division of State Lands:
Memorandum to Board of County Commissioners, City Councils and Interested Individuals dated 2/7/02 noting attached minutes from SLUPAC meeting and notice of next meeting on 3/22/02.

Memorandum to Board of County Commissioners, City Councils, Local Planning Organizations and Interested Individuals regarding the 2002 Edition of Laws Relating to Planning which will be available sometime in March.

Nevada Dept of Conservation and Natural Resources, Division of Water Resources:
Letter to Town of Jackpot dated 2/7/02 regarding the approval of application for extension of time to 1/17/03.


Nevada Dept of Conservation and Natural Resources, Division of State Parks:
Dear Brad letter dated 1/29/02 thanking him for his response to the survey on the top outdoor recreation issues in Nevada and announcement of publication of Nevada’s 2001 Outdoor Recreation Plan to be published soon.

Nevada State Environmental Commission:
Notice of public hearing received 2/11/02 for hearing on 3/8/02 in Reno for Petition 2002-05 on the vehicle emissions control program in populations over 400,000 and Petition 2002-06 regarding mining reclamation permits.

Nevada Department of Employment, Training & Rehabilitation:

State of Nevada, Legislative Counsel Bureau:
Meeting notice and agenda for 2/15/02.
Meeting notice and agenda for 2/14/02.

University of Nevada, Reno:
Postcard received 2/6/02 announcing Video Water Conference Workshop set for 2/22/02.

Nevada Association of Counties:
Informational brochure received 2/4/02 on NACO’s multicultural diversity award program for 2002.
Notice of satellite and web broadcast program entitled “First Responders Combat Bio-Terrorism on 3/21/02.

NACO Newsletter dated 2/1/02.
Northeastern Nevada Stewardship Group:
E-mail dated 2/4/02 regarding a Sage Grouse Pod meeting on 2/5/02.
E-mail dated 2/12/02 updating information on the February meeting where San Stiver will present “Predators and Sage Grouse.”

Nevada Taxpayers Association:
Notice of 80th Anniversary Annual Meeting set for 2/19/02.

Public Lands News:
Public Lands News, Volume 27, Number 3, dated 2/1/02.

Nevada Certified Farmers Market Association:
Notice of Nevada Small Farm and Farmers Market Conference 2002 scheduled for 2/14/02.

Nevada Airport Managers Association:

County of Washington, Commonwealth of Pennsylvania:
Dear Colleague letter dated 1/28/02 regarding the passing of a resolution in support of House Joint Resolution 81 which proposed an amendment to the Constitution of the United States restoring freedom of prayer.

Northeastern Nevada Regional Hospital:

Community College of Southern Nevada:
Nevada Connections newsletter dated February 2002.

Mountain States Legal Foundation:
The Litigator newsletter dated Winter 2002.

BREMAC:
BREMAC meeting notes from 1/16/02 meeting.

North Central Nevada Restoration Group:
Meeting notice for 2/12/02 meeting and minutes from January meeting.

Energy Employees Compensation Resource Center:

The Insighter:
Newsletter on connecting government and business, Volume 1, Issue 2, dated 2/8/02.

**Desert Research Institute:**
Brochure on the Spring-Fed Wetlands Important Scientific and Cultural Resources of the Intermountain Region Conference scheduled for 5/7/02 through 5/9/02.

**COMMENTS BY THE GENERAL PUBLIC:**
Grant Gerber reported upon the three convoys that had traveled to Klamath Falls which had covered over seven states and through twenty cities. He reported that they had raised over $300,000.00 and that funding was under the control of a nonprofit organization called the Klamath Bucket Brigade. He stated that the organization would distribute the money to the veterans and the people most needy. Grant Gerber believed they would receive a significant amount of their water this year but may not receive all the water. He reported that there was another project planned for this year wherein three more convoys would be traveling from the East coast. He reported upon the convoys leaving March 30th from Virginia, Florida, and Maine. Grant Gerber estimated the convoys would travel through 60 to 70 cities and they would be delivering a bucket and a shovel to over thirty governors. They hoped to raise sufficient money for the people of Klamath Falls. He stated they had already contracted for the building of two of the three buckets to be transported across the country gathering support. He requested that this commission contribute $100.00 ($20.00 from each Commissioner) without taking from Elko County coffers. He requested that the Commissioners $100.00 funding be donated directly to the County Commissioners of Klamath County to demonstrate the economic woes of the rural counties and to stress the effect of the reduction to the Klamath County coffers due to the reduction of their assessed valuations. He requested that the Commissioners encourage the other counties also to contribute to the cause. Commissioner Roberts noted Grant Gerber was speaking under the public comment item, and no Board action could be taken. He stated this request would have to be specifically placed upon the next meeting agenda upon either the 6th or the 7th of March agendas. Commissioner Lloyd inquired where the funding from the convoys would go, and Grant Gerber replied to the Klamath relief fund which was distributed to the veterans, widows and families in the most need. He stated that the funding was being utilized to purchase feed for cattle, etc.

**COMMENTS BY THE BOARD MEMBERS UPON THE CORRESPONDENCE:**
Commissioner Lloyd reviewed correspondence item “R” County of Washington, Commonwealth of Pennsylvania: Dear Colleague letter dated 1/28/02 regarding the passing of a resolution in support of House Joint Resolution 81 which proposed an amendment to the Constitution of the United States restoring freedom of prayer. He requested that the Commissioners pass a Resolution and send it.

**MOTION:** Commissioner Lloyd moved that they place a resolution upon the next agenda as an action item. Commissioner Ellison seconded the motion. The motion was passed unanimously.
Commissioner Nannini inquired of Assemblyman Carpenter about the YUCCA Mountain situation and how the State felt about it. He inquired if they were headed for a lawsuit situation. Assemblyman Carpenter noted the President’s recommendation for the storage site. He stated that the Governor had 60 days to veto it, then the Congress had 90 days to act. He stated it would take a simple majority by both Houses to override the Governor’s veto. Assemblyman Carpenter noted that the State had filed a lawsuit. He felt it would be designated as the storage facility for the waste. He believed that after the Congress acted, that was the time for the people of Nevada to take action whether it be lawsuits or to attempt to enter into an agreement. Commissioner Nannini reported that in the discussions during the tour of the site it was mentioned there was money available. He noted the counties within the State which were presently under budget restraints, and with that money available, what kept them from going after the funding. Assemblyman Carpenter noted that the State’s top politicians were opposed to YUCCA Mountain and they did not want to take any funding until the process had ran it’s course and he believed that was the reason. Commissioner Nannini inquired if they would be able to negotiate terms after this had ran its course. He inquired if they would have the waste forced upon them and left with no funding. Assemblyman Carpenter felt that there would be time to negotiate with them. Commissioner Ellison noted Congressman Jim Gibbons’ speech on KELK radio. He noted that the Congressman felt there would not be a price tag associated with it after they had voted upon it and there would be no extra funding to come back to the State. Assemblyman John Carpenter felt there would be an opportunity to negotiate.

**LAMOILLE COMMUNITY:**

**County Park Facility:**

Commissioner Russell stated that he, Robert Stokes and Mildred McCarley of the Lamoille Women’s Club were in continuing discussion upon the implementation of fees for use of the “Grove” park in Lamoille and wished more time to submit their recommendations to the Board.

**MOTION:** Commissioner Russell moved table the implement fees for use of the “Grove” park in Lamoille so they could continue working out those arrangements and for recommendation in the future. Commissioner Lloyd seconded the motion.

Kristin McQueary cautioned that if there was a decision made to implement fees, a business impact statement would have to be prepared. Commissioner Russell stated that there was an alternative which would mitigate that issue but they had not reached a conclusion upon that.

The motion was passed unanimously.

Chairman Roberts called the Jarbidge Town Board to order at 1:47 p.m. and the Montello Town Board to order at 1:53 p.m. The Jackpot Town Board was convened at 2:32 p.m. and the Mountain City Town Board was called to order at 2:35 p.m.
TUSCARORA WATER DISTRICT:

Lynn Forsberg stated there was a new snag with the added storage to the system. The system was not rejuvenated enough so there was now extra ice in the tanks. He stated that once every ten days they start the generator and run it for 24 hours to fill everything. Commissioner Lloyd suggested painting the tanks black to attract heat to the tanks in the winter.

TUSCARORA COMMUNITY:

Charles Voos reported that the citizens and the Friends of Tuscarora had raised the $20,000 in pledges for the purchase of the Tuscarora Tavern. He stated that tomorrow he, Gail Rappa, Ron Arthaub, and J.D. Long would attend the hearing for the grant application in Carson City to go forward with the project.

MIDAS WATER DISTRICT:

Midas Water Cooperative:

Lynn Forsberg stated he spoken with Dick Rowe and Mert Mickelson upon the water system operations for Midas. He stated that they were completing the grant application for a CDBG grant for this system. Commissioner Ellison stated he had noticed that BLM drilled a well by Midas and they had hit water just down from town. Commissioner Lloyd noted it was a test well and was further down in the flat from the town. Commissioner Ellison noted that water well would be utilized for a fire station.

MIDAS COMMUNITY:

There were no Midas area matters for reporting.

CALIFORNIA NATIONAL HISTORIC TRAILS INTERPRETIVE CENTER:

Dale Porter reported that the California National Historic Trails Interpretive Center site had been designated upon the Maggie Creek Ranch located upon the North side of I-80 and approximately eight-tenths of a mile from the Hunter Interchange. He stated that the site provided a good view of the Humboldt Valley, the California Trail of the 1880's, and the terminus of the Hastings Cutoff. He believed it was a better choice over the previous site because the infrastructure and development upon this site would cost less. Dale Porter stated that the ranch owners were considering donating the needed land and the easements. To facilitate the planning, Senator Reid and Nevada’s congressional delegation sponsored several funds in the amount of $450,000.00. He stated that the funds were utilized to review all possible sites for such a center, the public preference for the different sites and the projected costs for the development of the different sites and estimated benefits. Dale Porter stated that the aesthetic and environmental considerations were reviewed in relation to the different sites, and funds had been expended to assess the value of on the trail waysides. He stated that the proposed sites would be located along the trail which would highlight the experience of traveling the California Trail in the early
days. He stated that these proposed sites would be placed upon self-guided automobile maps. Dale Porter stated that the waysides would not only include the view but include interpretive material and displays to aid in the understanding of the site’s historical significant. Hopefully, these sites would extend the visitors stay in the region. He reported that they were designing the building to fit the interpretive plan and the draft would soon be released for public review. To begin the development of the center, the Federal fiscal year of 2002 budget contains 2 million dollars. It was anticipated that the interpretive center would bring tourism to the region and economically impact the community. He stated that the studies performed reinforced these beliefs. Dale Porter stated that the BLM had reached the stage of program development and with review and comments from the local advisory board would lead the project to completion. He stated that the BLM shall operate and maintain it thereafter. Dale Porter stated that the advisory board would continue to be involved, under the law, to represent this community and center. Dale Porter suggested that a Letter of Appreciation be sent to Senator Reid and the Nevada delegation.

Steve Dondero, BLM, gave a power point presentation. He introduced Mike Brown the BLM public affairs officer, who submitted copies of their marketing brochure released in time for distribution at the Olympics, and the Cowboy Poetry Gathering. He stated that there would be more information released upon a yearly basis. He stated that this would be the only California Trail Interpretive Center in the nation. He stated that the California Trail would tie in with the other trails in Nevada at Black Rock and High Rock, guiding them from Wells to Truckee. Steve Dondero stated that 2.5 million had already been committed to the project to start construction. He stated it was a grass roots public partnership with significant economic development potential for Northeastern Nevada. He stated that this project was the brain child of local residents and not a brain child of the federal government or BLM. Steve Dondero reviewed the siting and feasibility study completed in the Summer of 2001, and the tours of the satellite sites held in October. Steve Dondero stated they had contracted with the National State Park System to complete the interpretive center’s plan. He reported that they had held two public meetings to finish the details for the draft. Steve Dondero showed slides upon the existing conditions at the Hunter location. He reviewed the project goals inclusive of the unique architecture, high quality materials, high sense of aesthetics, want to lead the visitors to discovery, want to have high standard of maintenance and operations, together with high quality interpretive exhibits. He stated that they wished to promote an understanding and appreciation of the California Trail and provide economic development within the area. Steve Dondero showed a conceptual layout of the interpretive center inclusive of the parking center. Steve Dondero stated that the draft of the interpretive plan would be finalized in March 2002 and become the blueprint to be viewed by the architect-engineer. Steve Dondero stated they would have to form a center foundation in the Spring of 2002. They wished to form a “Friends Group” to provide volunteer support and the group would provide some financial support through the sales they generate. He stated that they hoped to complete the donation of the land from the Maggie Creek Ranch by the Spring or Summer of 2002. They would also develop a
business plan and marketing plan during the Summer of 2002. Steve Dondero stated they would discuss whether the legislation in place would provide for the present advisory group to work directly with the BLM on a project like this. He stated they would contract out an Environmental Analysis for the center and the potential wayside locations. Steve Dondero stated in the Spring they would go into negotiations with an architectural-engineering firm. He reported they would initiate easements and access acquisitions for the wayside exhibit sites, and develop cooperative agreements with the City, County and the State of Nevada for the expenditures of the committed funding. He stated they would have develop partnership agreements with the NDOT because the sites would be within or adjacent to the NDOT rights-of-way. Steve Dondero presented slides upon the Interpretive Center concept. He reviewed the cost estimate summary inclusive of: demolition, excavation, and site preparation estimated at 3.6 million dollars, construction of the building and associated facilities 4.8 million, the interpretive exhibits 2.7 million dollars, for a subtotal of 11.1, together with the contingencies for design, construction, and contractor profit and overhead estimated at 3.9, so the total price tag would be approximately 15 million dollars. Steve Dondero stated that those figures may be inflated but until they have the architect review the project those were the only figures available. He reported the funding sources were the City of Elko who committed 2 million dollars, the County of Elko commitment of 1 million dollars, the State of Nevada’s commitment of 3 million dollars, and the federal government commitment of 12 million dollars. He noted that the federal funding of 12 million was included in an authorization bill passed in December 2000 which was sponsored by Harry Reid. He reported that as of to date there had been committed $450,000 for the site and feasibility studies. Steve Dondero stated that within FY 2002 there had been appropriated 2 million dollars for construction and the schedule upon the remaining 10 million dollars had lots of variables involved including new priorities upon domestic spending. Steve Dondero reported that they had just hired a lead interpretive specialist who was Don Cushman who would begin in April 2002 to coordinate with the architect to implement the plan. He stated that they had advertised the Interpretive Center manager position twice with no adequate response. He stressed this was a key position and they wished to get the right person in that position. He stated that this advertisement would close in three weeks and they would interview candidates after that. Steve Dondero stated they would only hire the lead specialist and center manager position at first. He stated it would be up to them to hire the six to eight additional positions to complete the center’s staffing which would be augmented by volunteer staffing. Steve Dondero stated they would hire a contractor for easement acquisitions to coordinate with the landowners and the Nevada Department of Transportation. Steve Dondero reviewed the funding commitments from the partners in the amount of six million dollars and the Congress authorization of 12 million dollars. He stated they needed a clear signal from Senator Reid upon the funding and the timing of the payments.

Commissioner Ellison inquired if the inside exhibits were be similar to the exhibits in the interpretative center in Oregon. Steve Dondero replied that the interpretive planner would create the exhibits according to the storyline. He noted that by the time the pioneers
had reached this point they had broken down wagons and felt the planner would present those hardships within their design ideas to best convey the message.

Commissioner Nannini inquired if they were trying to hire the manager within the BLM system or going outside of it. Steve Dondero stated the first person they hired, was the lead specialist from the National Park Service. He stated that now the Manager’s position was thrown open to the entire world.

Commissioner Roberts noted the proposed opening date was in 2004. Therefore, he assumed they would start construction in 2003. Steve Dondero stated they had hoped to begin construction this Summer and noted there was 2 million dollars appropriated for the construction. He stated that they hoped to have the land donation completed with the Maggie Creek Ranch. Steve Dondero reported that they would have to enter into cooperative agreements with the County, the City of Elko and the State to spell out how the funding would be spent and when it would be accomplished. Steve Dondero stated that they had previously discussed the County’s contribution being in-kind services through the grading of the roads to the center or the waysides. He stated they would have to develop a phasing plan upon monetary commitments. Steve Dondero stated they wished to acquire the easements, rough in the road and the parking area, drill the well and get a lot of the infrastructure started this Summer. He believed that the infrastructure could be completed with the 2 million and hopefully Senator Reid could obtain 6 million dollars federal funding next year. Steve Dondero noted that with the shifting of the federal funds with regards to domestic spending he did not know how successful Senator Reid would be in obtaining the six million dollars.

Commissioner Roberts expressed concern because the County’s commitment was in cash and in-kind basically to the construction of the road. He noted that if they were to begin construction they would need a stable gravel road to the site. Steve Dondero stated that was why they encouraged cooperative agreements because they did not have specifics upon how the funding would be expended. Steve Dondero suggested there be a meeting to discuss a cooperative agreement and discuss some details such as for roughing in a road to a 40’ crown width, and roughing in the base, roughing in a parking area and drilling a well.

Commissioner Nannini inquired if the 15 million dollars was the total cost for the project. Steve Dondero replied that included from construction to opening up. He stated that amount did not include the costs for satellites/waysides. He heard it could cost from $6,000 to $60,000 for those sites depending upon the individual development. Steve Dondero stated that the committee had picked out about ten wayside sites which they believed should be developed immediately and would be along 1-80 to hopefully entice the tourists to travel throughout Elko County. Steve Dondero noted there was a portion of the California Trail which was in pristine condition outside of the Wells area.

Helen Hankins clarified that the brochure stated the opening date was 2004 but it should be 2005 and that the brochure was designed before the September 11th event. She reported that the national events had put the opening date back to 2005.

Commissioner Roberts requested that the letter to be sent to Senator Reid be placed
Chairman Roberts called a recess at 3:10 p.m., and reconvened the meeting at 3:20 pm.

Charles Voos departed the meeting at 3:21 p.m., for travel to Carson City to testify at a grant application hearing.

ANNUAL AUDIT FOR FISCAL YEAR ENDING JUNE 30, 2001:

Pursuant to N.R.S. 354.624, Richard Echegaray of Kafoury and Armstrong submitted the written audit report, management letter and a packet with graphics. He noted the report reflected all the funds which the Board had oversight authority over. He stated, on an annual basis, the Board oversees about 36 million for annual operations. He noted that the report reinforced what the Board already knew that the County did have a tough year financially. Richard Echegaray stated that the general fund during the past year experienced deficit operations in the amount of $723,000 and dropped down to a balance $1,032,000.00. He noted that normally it was stated that the benchmark for a healthy ending fund balance was 1/12 of the expenditures. He cautioned that the fund balance of $1,032,000.00 was below the normal balance for an ending fund balance. He reviewed page 33 wherein several deficit funds had serious operating difficulties. Richard Echegaray reported that the road fund started the year with $432,000.00 but during the year incurred a deficit fund balance of $13,000. He stated that the management was aware of the library deficit in the amount of $23,500.00 at the end of the year. Richard Echegaray noted that the Sheriff’s election fund started with a positive balance of $59,000 but ended with a deficit of $13,000. He stated the Sheriff’s Grants Fund continued to run in a deficit balance of approximately $78,000 to an ending fund deficit of $77,000.

Rich Echegaray reviewed page 35 and note 17 with regards to fund equity. He pointed out this footnote disclosed what was anticipated as an opening general fund balance for 2001/2002 of $1,500,000. However, the actual ending fund balance for 2000/2001 was $1,032,000 so there was a deficit of $394,000.00 for the starting fund balance below what they had projected. He believed they would have to budget accordingly because they were going into this budget year with approximately 20 funds with less than actual fund balances that they had expected to have for funding purposes. Richard Echegaray noted that the Indigent fund had $88,000 less than what they had expected. The road fund had $14,000 less than expected. The Library fund had $41,000.00 less than what they had expected. The Sheriff’s Grant fund was approximately $58,000.00 less than what they had expected. Richard Echegaray stated that the Jackpot Town Recreation Fund ended up with $186,000.00 less than what they had expected for budget purposes. He reiterated they had approximately 20 funds going into 2002 with less fund balances than what they had expected to start the year off. He noted a jail bond was issued and that amounted to $4,408,000.00 and the work in progress had not been completed. He pointed out that in the past the Commission and the County had been conservative with regards to borrowing. Richard Echegaray reported that their general obligation debt was 6 million dollars for the past year and 88 million dollars was their
capacity to borrow. He stated that they were very conservative upon their borrowing for their project even though they had more legal borrowing capacity. Richard Echegaray noted under the compliance section they had independent auditors perform some of the audit rather than federal auditors so it was a risk base audit based upon circular 183. He noted that during the past year the County received 1.5 million in federal expenditure awards. He reported that Kafoury and Armstrong reviewed the grant activity for internal controls in compliance with federal regulations and there were no reportable conditions, findings, or questionable costs. Richard Echegaray stated with accordance to AB 224 (the auditor’s comments and secondary exclusions) the auditor performs an agreed upon procedure to determine if the funds were used for purposes upon what they were created and that the reserves were reasonable. He stated they had performed that procedure and found no problems in this respect. With regards to the prior year audit recommendations, the report dealt with control over cash and they felt there had been some improvement. However the County should be attentive in making sure that the general ledger ties back to the bank reconciliation and other supporting documentation on a timely basis. He reported that this year they did not find any financial weakness of any magnitude to mention in this year’s audit report, but they did have specific issues contained within their management letter. Richard Echegaray introduced Teri Gage who helped prepare the report and management letter.

Commissioner Roberts noted on page 35 the deficits could be attributed to the revenues not coming in as projected. Richard Echegaray agreed that the expenditures were static and they were still trying to give the same level of service as in the past with the corresponding expense but the revenues were flat which caused problems within the various funds. He stated that this should be considered during the budgeting process. Richard Echegaray stated that they should review the actual fund balance and closely monitor those fund balances.

Commissioner Ellison inquired if the Sheriff’s grant fund applied to passed grants. Cash Minor stated up to a year ago it was administered through the Sheriff’s Department. He stated it was a cost share grant between the City of Elko and the County of Elko. He reported that the cost overruns were never reimbursed and this would be addressed within the budget. Commissioner Ellison inquired if it was the crime force. Cash Minor replied it was only the narcotics crime task force.

Commissioner Russell requested clarification that the importance of the opening fund balance was they start the year with that money to pay their bills through the first two months until the revenues start coming in which may be from one month to three months. Richard Echegaray stated that the general fund balance decreased $723,000.00 but it did not relate specifically to the cash in the general fund. He stated what had happened to the general fund was that the cash dropped down from 1.2 a year ago to $279,000.00 as of June 30th. He noted that was a dangerously low figure for cash to meet your monthly obligations but everything must have been fine because the County was still operating today. He stressed that this was at the end of the year. He stated this meant that there had to be a good turn over of other assets to cash because their monthly expenditures
Richard Echegaray stated that meant the other funding due from the other governmental agencies, the ad valorem, the sales tax, etc., must come in on a timely basis or they would be unable to pay their bills. He cautioned them to stay on top of this, and monitor the situation. Commissioner Nannini noted the paper trail was being discussed but in real actuality they have reserve funds. There was never a point when they would be over expending, and inquired if that played into it. Richard Echegaray stated he was isolating on one particular fund and noted the County had over 60 odd funds which the County could potentially draw upon to supplement the general fund operations. Rich Echegaray noted the general fund decline over the last four-five years and noted the cash in the general fund had also dropped. He believed they were maintaining the same level of services, however, the revenue sources had declined. He felt their maintenance of services would have to be adjusted. Commissioner Nannini stated he wanted to emphasize the fact that the County was not down to $250,000.00 and did not want to panic anyone. Richard Echegaray stated that the County operated upon a pool cash concept and they would have to take into consideration that there was 54 million dollars in the County cash pool. He noted that if they reviewed the funds upon an individual basis there were some funds in fairly difficult financial times and others were healthy. Rich Echegaray stated that the bank account was healthy due to the hospital sales proceeds which was part of the 54 million. However the 54 million was not all County funding because some money was for the school districts and they were holding funding which would go to various local governments within the County.

Teri Gage, Kafoury-Armstrong, reviewed the three points discussed within the management letter. She noted the first point was with regards to the Davis-Bacon wherein federal grant projects they were required to pay the prevailing wage rates upon those grants projects and they have to test for compliance. When they performed the test for the Davis-Bacon, on site interviews were taken with the construction workers. However, none of the interviews were documented. They recommended that if they were going to do the onsite interviews that they be documented to create a paper trail for the auditors or in case of a federal grant agency comes back to monitor that they have a paper trail. Commissioner Lloyd inquired if they only perform verbal interviews or did they look at the records to review payrolls. Teri Gage replied that they do both. Cash Minor stated he looked at the weekly payrolls. Teri Gage suggested they keep a log of the interviews. She noted that Richard Echegaray had previously reviewed the fund deficits within this year’s budget. She stated it was included within the management letter because they would like the County, within their budgeting process, to consider those fund deficits. Teri Gage noted the last point was Gatsby statement #34, it was a new reporting model wherein the local governments had to convert their financial statements to. She stated that their financial statements were currently upon the modified accrued basis of accounting. Gatsby #34 would required them to convert to the full accrued basis of accounting, which was more like a regular entity. She stated this would take a large amount of the accounting staff time to perform the conversion. Commissioner Lloyd inquired when they had to be converted. Teri Gage replied on July 1, 2002. Commissioner Lloyd noted the infrastructure would
have to be addressed. Cash Minor stated they had already changed to the HT fixed asset system this year with compliments to Debbie Armuth and Kathy Long. He stated they had begun to enter some infrastructure assets and believed the bulk of the information would be through roads and community development. He did not anticipate a difficult time with that. Cash Minor believed the biggest issue was reformatting to this new style of statement and they had to identify revenues to sources and there some issues as to where those belong. Commissioner Lloyd felt they would have a lot of issues when they started depreciation because they were not currently funding depreciation. Cash Minor stated it would be positive in some aspects but questionable in others. Overall, there were some statements in the new reporting model which would be beneficial. Teri Gage stated that Washoe County had implemented the new system and liked the new statements.

Teri Gage thanked the staff in the Comptroller’s office for their help. Cash Minor stated that with regards to Gatsby 34, the comptrollers of Elko County, Douglas County, Churchill County, Humboldt County, would meet and attempt to walk through Humboldt County with Gatsby 34 as a workshop. They would meet upon a monthly basis and discuss the implementation of the process to hopefully make this process easier.

Richard Echegaray gave a slide presentation upon the 5 year comparison from 1997 through 2001. He noted there was a deficit 5 years ago wherein the expenditures exceeded revenues. He pointed out that 1998 and 1999 were positive years. He noted within the last two years the expenditures were over the revenues. Exhibit 2 graph depicted the revenues by source of the general county fund (the primary operating fund of the county) wherein the revenues were flat. He noted that five years ago the bulk of the revenue 47% came from intergovernmental revenue, and this year it was only 42% of the County’s revenue. He stated that five years ago the ad valorem tax was 20% of the revenues and within this past year it was 29% of the general fund revenue. He stated that there had not been an increase in the tax rate and this was probably a product of the increase of assessed evaluation. Commissioner Ellison inquired if it was because they took down the ad valorem in 1998. Richard Echegaray noted that the County stayed within the budget for the last five years. Exhibit 4 depicted the expenditures by function and reiterated that the revenues were flat. He noted the biggest function was the public safety which was 35% of overall expenditures five years ago from the general fund and within the past year it was 39% of the overall expenditures from the general fund. Richard Echegaray stated that administration was 27% five years ago and remained at 26% this past year. Exhibit 5 graph displayed the expenditures by object. He reported that the salaries was the bulk of the expenditures 63% five years ago and last year was 71% of the general fund expenditures. Exhibit 6 depicted what was happening to the general fund. He stated over the years the expenditures had exceeded the revenues. He noted that over five years ago they had a fund balance of 4 million dollars which had decreased to $1,032,000.00 this past year. He reiterated that a benchmark of a healthy fund balance was 1/12 of the expenditures. He stated that figure would be $1,328,000.00 so their actual fund balance was less than the benchmark of a healthy fund balance. Exhibit 7 graph showed the comparison of Cash Balances. Richard Echegaray emphasized that the County had
custodial responsibilities over approximately 55 million dollars within their total funds. He pointed out that the cash balance was declining like the general fund balance each and every single year. Within the last year, there was only $279,000 actual cash in the general fund but there was 54 million which a portion was represented by hospital sale proceeds which exceed 21 million. Exhibit 8 showed a comparison of cash balances investments. He noted that out of 55 million, 50 million was in investments and a portion of this was in time certificates. He believed they had more invested than they have cash. He stated that Caesar Salicchi was pretty aggressive in having the cash invested.

Richard Echegaray thanked Cash Minor, Debbie Armuth, Kathy Long, and specifically Caesar Salicchi for their cooperation in preparation of this audit report.

MOTION: Commissioner Ellison moved to approve the annual independent audit from Kafoury, Armstrong & Company. Commissioner Nannini seconded the motion. The motion was passed unanimously.

SHERIFF’S DEPARTMENT:

Elko County Law Enforcement Facility Proposed Upgrading-1999:

Construction Contract Change Orders:
The Board discussed Change Order #8 in the amount of $5,261.00 for a mop sink, faucet hose, mop racks, removal and installation of a valley gutter, rework of sidewalk, driveway curb and gutter for drainage and installation of a steel lintel.

MOTION: Commissioner Lloyd moved to approve Change Order #8 in the amount of $5,261.00 for a mop sink, faucet hose, mop racks, removal and installation of a valley gutter, rework of sidewalk, driveway curb and gutter for drainage and installation of a steel lintel. Commissioner Nannini seconded the motion.

Commissioner Ellison noted the numerous amount of change orders and questioned why mop sinks, etc., were left out of the plans. Commissioner Roberts felt it would be because of the conversions from the old mop room to another use during the construction period. Commissioner Ellison would speak with Charles Voos upon this.

The motion was passed unanimously.

Robert Stokes gave an updated report regarding the auction/sale of a used walk-in refrigerator/freezer and various used kitchen items through an auction in accordance with N.R.S. 332.185. He stated the items were properly published for the Dutch auction and no bids were submitted. He stated that the staff would take a look at other options for disposal of equipment. Commissioner Roberts inquired about the advertisement being within the paper. Robert Stokes replied it was properly published and advertised. He stated they would look at other options and bring them back before the Board for their approval.

ELKO COUNTY CLERK:
The Board discussed the consolidation of the Mountain City and Jarbidge Township boundaries into the Elko Township.
FIRST READING OF ELKO COUNTY ORDINANCE 2002-C:
AN ORDINANCE AMENDING TITLE 1, CHAPTER 9, SECTION 1, SUBSECTION C TO CONSOLIDATE THE MOUNTAIN CITY-JARBIDGE TOWNSHIP INTO THE ELKO TOWNSHIP, REPEALING TITLE 1, CHAPTER 9, SECTION 1, SUBSECTION E, AND OTHER MATTERS PROPERLY RELATED THERETO.

MOTION: Commissioner Lloyd moved to approve the First Reading of Elko County Ordinance 2002-C: AN ORDINANCE AMENDING TITLE 1, CHAPTER 9, SECTION 1, SUBSECTION C TO CONSOLIDATE THE MOUNTAIN CITY-JARBIDGE TOWNSHIP INTO THE ELKO TOWNSHIP, REPEALING TITLE 1, CHAPTER 9, SECTION 1, SUBSECTION E, AND OTHER MATTERS PROPERLY RELATED THERETO. Commissioner Nannini seconded the motion.

Commissioner Ellison inquired if this would be set for a second reading and received an affirmative response.

The motion was passed unanimously.

ELKO COUNTY PUBLIC DEFENDER:
Robert Stokes suggested the request to increase a vacant part-time case worker position to a full-time caseworker position and permission to fill the vacancy be postponed until Fred Lee could address the Board in person. He noted that Mr. Lee was in Court in Wells. The Board delayed the item until later within the meeting.

ACCESS AIR AMBULANCE SERVICE:
Access Air's base manager, Kim Harris, submitted a letter from Dr. Bergeron and read it into the record. Gary Kane, Access Air Pilot, reported that through the help of Jerilyn Underwood and Roxanne Sutter, Access Air came up with $12,000 from the Elko County indigent fund which brought them up-to-date with what was due from the indigent funds, those which they were entitled to. He noted there was a six month expiration regulation, therefore, they would not be able to recover the total amount owing. Mr. Kane stated that through the help of Assemblyman Carpenter and Congressman Gibbons they had acquired $205,000 from the medicaid/medicare funds of the total $300,000 outstanding on the receivables which were due. He reported that there was over 1 million in receivables. He stated that the insurance companies were starting to free up their money. He stated they had received a three month deferment of payment upon the helicopter debt service to get them through to April. He stated they had reviewed their management procedures particularly the ones they transferred from hospitals who where already in a facility of higher care. He stated they were coordinating better with the hospital in more detail. Mr. Kane stated they were also coordinating with the Elko County dispatchers. He reported he had helped acquire the grant from the Tobacco funds and that funding would enable dispatch to interpret what the situation was and determine whether ground or air transport would be more suitable. Gary Kane stated that the grants were approved and training should be completed in April for dispatch. He stated they were aggressively
pursuing their collections, and that they had to learn medical bill collection procedures. He noted that medicaid or medicare regulations affected the amount of payment that they would receive and there was no glossary as to what services they would pay for. Mr. Kane noted the difficulty with billing for air transport. He stated they were concerned with the 1 million dollars outstanding. He reported that 130 members of the Cortez Mine had renewed their membership under the Cortez Mine Program. He stated that they were actively soliciting membership and had a web site. He noted the membership drive was upon the local radio station. He noted that memberships had improved and they had support of the community. Mr. Kane stated that Jim wanted him to publicly thank them for their support and they looked forward to their continued support. Commissioner Nannini reported that Gary Kane was a member upon the Elko Dispatch Center and he thanked Mr. Kane for his effort upon the grant received in the amount of $13,000 for the central dispatch. Commissioner Roberts noted that things were slowly turning around for Access Air. He noted from the County ambulance system an aggressive collection person was the key to the financial stability of the program. Gary Kane believed that was why a lot of businesses fail. He felt that the community was satisfied with their pilots, nurses and paramedics.

Kim Harris, Access Air, stated they were still seeking the support from the community and felt they were a positive asset to this community. Commissioner Lloyd noted that letters to the press was not favorable to the Commissioners. Kim Harris felt that if they work together to keep the program together it would be beneficial to the community. He noted that Dr. Bergeron pointed out within his letter that Elko County had a lot of land mass, and that Access Air had saved a number of lives which were productive members of the community. Commissioner Roberts noted that the Board members did not doubt the importance of the service. He noted they pursued the franchise for six months and believed it was a valuable service to the community. Commissioner Russell noted all the letters upon the internet from the employees and others from the community. He felt it would be more advantageous to work with them than to disparage them in a public forum. Kim Harris agreed and apologized, he stated that they wished to move forward.

Commissioner Ellison inquired if they had given the paper work to Congressman Gibbons’ office. Trish Day, flight nurse and medical director for Access Air reported that the paper work was sent to Congressman Gibbons. She apologized and stated that Jim Hutchens did not intend for his letter to go to the media.

Robert Stokes stated that there were medical and residency requirements for the County indigent funds. He noted that the County indigent funds were in financially difficulty. However, the folks that were aided with this fund had to have an individual income poverty level of $5,300.00 which was lower than the federal level of $8,600.00, and it was a stop-gap measure for the very poor. He noted that Access Air had qualified for three incidents but would leave quite a few folks that would not qualify for that funding. He thanked Access Air for coordinating with Jerilyn Underwood. Kim Harris noted that they were in the learning curve for collections. He noted the various indigent funds available through the local, state and federal agencies.
Commissioner Nannini inquired if they were being assisted by the Hospital upon their collections. Kim Harris stated the hospital contracted their collections and those people were aiding Access Air with the collection procedures. However, they were attempting to address the collection issues more aggressively and were moving forward in a positive manner.

**ELKO COUNTY PUBLIC DEFENDER:**

Fred Lee requested the Board to increase a vacant part-time case worker position to a full-time caseworker position and give him permission to fill the vacancy. He stated he had addressed the situation in a letter to Jerilyn Underwood dated January 17th when he lost the individual. He stated it had created a hardship with two caseworkers and four attorneys. He noted the increase in the caseload and stated it was back to the highest level set in 1998 at 811 cases. He stated that the two caseworkers were also the receptionists. He noted that the public defender was at a ration of 2 caseworkers to 4 attorneys. Whereas the District Attorneys ratio was 1 to 2 and they had a receptionists and other people who performed specific chores. He noted the two caseworkers perform not only the receptionist duties but the filing, the JAYLAN, and typing of the legal pleadings in preparation for Court. Fred Lee requested that the Board members consider making this a full time position so they would not be backlogged. He stated in 2001, he performed 400 cases, Fred Leeds 593 and Rob Stuart performed 490. He stated there was a gap upon the fourth attorney because Michele had left and it took some time to fill those positions. He noted they also had carry over cases from year to year. He felt the increase in criminal cases may be an indication of a bad economy. He noted that he had just completed a case in Wells which there was no one else in the office to take the case for him. He stated that this was not a question of luxury it was a question of keeping up with nuts and bolts of the office such as reception and the drafting of the pleadings. Fred Lee stated that with four attorneys and two caseworkers, and the caseloads increasing it was more than impractical.

Commissioner Ellison reviewed what they had learned earlier about their budget. He inquired if they could borrow from the District Court, District Attorney’s Officer or Justice Court to pool some of their workers to share some of the responsibilities of the offices. Fred Lee stated he had thought about utilizing the same switchboard but there may be a conflict of interest if they share with the District Attorney. Fred Lee noted in District Courts they cooperate informally but upon another tier it may be difficult to argue with the District Judge that he was not getting his fair share of the receptionists when they had a jury trial next week. Commissioner Roberts noted he had a vacant part-time which was in his budget and inquired what the increase would be for a full time position. Debbie Armuth believed it would be double the budgeted amount which was $12,000. Commissioner Roberts noted it would be more because of PERS. Debbie Armuth stated she was just figuring the salary and no benefits. Fred Lee noted he had tried to avoid overtime and the secretaries were performing overtime. He felt the secretaries were putting in only partial overtime hours for which they really worked. Commissioner Lloyd inquired if he had been operating without part-time for several months. Fred Lee reported that Michele left on
December 28th. He stated the secretaries had requested full time help previously and it did not get upon the agenda. Commissioner Lloyd inquired if part-time would be acceptable and received an affirmative response. Commissioner Roberts inquired about figures for the overtime. Fred Lee stated he could get those figures and submit them to administration. Commissioner Roberts stated he was curious if the overtime costs would offset the hiring of a full time employee. Commissioner Russell noted that everyone desires to have the same level of service continue but when looking at the new year in some offices they may have to wait in line. He commented that the County had excellent service presently, and they had excellent employees but in the future the public may have to wait in line. He inquired if there was a creative way to look at it without accruing additional expense. Fred Lee stated his office had encouraged main frame communication to reduce time and costs. However, the caseworkers could not perform two things at once. He would look into voice mail. Fred Lee stated he may cut back upon books due to it being upon line. He stated his office was very creative and he had attempted to cut back upon personnel through automation but it was at a point that he could not cut anymore and the caseworkers could not keep up. Fred Lee stated that they needed part-time help especially during the mid-day hours which was a difficult time. He may cut down to voice mail but this was not a luxury request. Commissioner Roberts inquired if Fred Lee was, in some situations, under time deadlines to meet court appearance and it was not a matter of waiting in line. Fred Lee stated they had Court Appearances and the Supreme Court of Nevada had sped up the criminal appeals. He stated now they fast track, and the criminal notice must be filed within 30 days and a brief filed in 90 days. Fred Lee stated there were deadlines and scheduling was big causes of ineffective representation or deficient representation. He noted there were short time situations. Commissioner Roberts suggested they fill the part-time caseworker and maybe Fred Lee could adjust his budget to make it a full time position during the budget process. He felt maybe the cost saving measures such as voice mail may place the dollars towards a full time caseworker.

**MOTION:** Commissioner Lloyd moved to disallow a full-time but allow him to hire a part-time caseworker. Commissioner Russell seconded the motion. The motion was passed unanimously.

Commissioner Nannini commented that the Board knew that Fred Lee ran his department efficiently and did everything he could but they wished him to understand the pressure that was upon the Board members presently.

**ELKO COUNTY COMMUNITY DEVELOPMENT:**

- **Salt Lake Basin Sanitation District:**
- **Solid Waste Hauler Contract:**

The Board discussed the request from Elko Sanitation to sign or rescind approval of the unsigned contract for the Salt Lake Sanitation District. Kristin McQueary stated that in the past several years she had had numerous meetings with Charles Voos and Tim Brown upon what to put into the contract. She stated that she had draft documents but the County’s concept for solid waste disposal had changed numerous times. She stated that
even when they had a concept in place, a couple of months later Charles Voos tweaked the concepts several times and at this point she did not have a draft that worked operationally. She stated that with regards to the legal language, Tim Brown had agreed upon several issues and Charles Voos had not agreed. She did not have a meeting of the minds of what was to be within the contract operationally such as renewal periods, indexing for the cost of living increases requested by Tim Brown. She stated between community development and Mr. Brown there was no written document which encompassed what the County was currently doing and with what everyone else wants in it. She stated that Gary Woodbury had, in letters to Mr. Brown, that with no written document there was a month-to-month concept with regards to solid waste hauling. Kristin McQueary stated it was her understanding from the conversations of Charles Voos the County would pursue the new concept of county-wide sanitation district which would probably change the concept once again before the contract was signed. Kristin McQueary stressed that concept kept getting changed so there was no document. Tim Brown of Elko Sanitation noted they had been performing the same services for over a year and one-half (1 ½) in Montello under good faith with the County. He noted he had approved a draft over 6 months ago that pretty much outlined it, and as far as the cost of living increases it was protection for them, and only if the County approved it with proper attachments that they actually meet it. He noted they had been there for over 1 ½ years. He reported that they had not asked for any raises and had provided the same service. He stated they wanted to continue that service but according to the District Attorney’s office they had no contract, nor an agreement except for the fact that the Board approved a decision unanimously to enter into a contract with Elko Sanitation concerning the Salt Lake Sanitation District. Tim Brown stressed that in good faith Elko Sanitation had obtained the proper liability insurance, and made a contract with the City of Elko to use their landfill with regards to that contract. He felt that this had been drug on for 1 ½ years and he believed that six months was too long for the draft to be signed. He noted that the only conflict was the term of five years and that was changed to one year within the draft. He had a copy of the draft and inquired if the Board had seen a copy of it. He felt it should be expedited because it had a serious effect upon the current and future sanitation services to the Montello district. Commissioner Lloyd noted he had not viewed a contract or draft. Rob Stokes inquired if the old contract was superceded by the new bid proposal that went out. Kristin McQueary stated that was a question. She was not aware of when the bid proposal began because Mr. Woodbury handled that issue in her absence. Commissioner Ellison inquired if it was within the same area and received an affirmative response. Tim Brown noted that the only other contract that they had was for the seventeen other areas and then the Salt Lake Sanitation District was changed to personal curb side service and they negotiated the curb side service. He stated that the county went through the billing procedure and Elko Sanitation gave the County the amount of $22,300.00 per year and he believed that it constituted a contract. He stated that in good faith he dumped over $150,000 into a system and now 1 ½ years later, tough luck you can go and take your stuff and go away just for the sake of someone from another state. Tim Brown stated he had a serious problem with this. Kristin McQueary stated she
had not received a copy of the bid proposal and did not know when Charles Voos had anticipated that beginning. Robert Stokes stated the bid proposal was upon the agenda for the third time to be ratified or disapproved by the Board. Commissioner Roberts felt it was there intention to start the other contract at the first of July. Commissioner Ellison stated he did not blame Tim Brown because he had all the equipment out there and still didn’t have a contract. He believed they should either sign the contract or rescind the whole thing. He stated he was in favor of resigning and taking a look at the other issue as a separate line. Commissioner Lloyd stated he would like to view the contract. Tim Brown stated that was the issue, he had not been contacted since he had approved the draft in Kristin McQueary’s Office 6 months ago. He stated he had no questions about it because it was about the same as the one before but there was no 5 year term and it had become one year renewable unless they failed to provide the service. He stated in good faith Elko Sanitation had provided the service for over 1½ service and he did not believe there was an issue of contract. Tim Brown felt it was a matter of who wanted it to be signed because the new contract was trying to be pushed in here was the issue. He stated that if they were going to start in July then he had a lot of equipment he had to sell, at a loss. Commissioner Lloyd noted that if the old original contract was signed, what was the date. Tim Brown stated the old original contract was a different type of contract because it included the rural County, Montello, Mountain City, etc. Commissioner Lloyd inquired about the one to be signed. Tim Brown stated that the contract was the one that had been approved by the Commission to be entered into 1½ year ago. Commissioner Lloyd inquired what dates would that have covered. Tim Brown replied from November 4th to November 4th. Kristin McQueary stated that the various assorted drafts had various assorted dates but if the Board went forward with the bid process then the term would be from February to June 30, because they could not overlap. She stated that if they sign a contract for a one year term with Tim Brown then it created a conflict situation obligating themselves under two different contracts. Tim Brown stated he personally felt they obligated themselves to a yearly contract in the initial approval of entering into a contract with Elko Sanitation. He noted that all past contracts had been a year, and he felt it was assumed it would be a year. He noted that the fine print was the only thing that was a discussion matter, and that had already been written into many contracts and was a constant, one year with protection that if they raised the rates, they would have to have the County’s approval, if for any reason. He noted that Elko Sanitation had never came in to negotiate a raise and they had continued to make a small profit and provided the service. Commissioner Lloyd noted the difficult situation was, hindsight and questioned why they did not sign the last contract. Now it comes up when they have a new contract, and inquired how they would proceed with the new bid. Robert Stokes inquired that if Elko Sanitation understood that when they bid upon the new contract did they understand that the old contract would away. Commissioner Roberts noted he didn’t have a contract. Tim Brown stated he didn’t even have a bid for that matter. He noted that he didn’t have a word in the bid. Robert Stokes noted that the Chief Financial Officer, the District Attorney’s Office and the Attorney’s General office stated that he had a bid. He inquired that if the District Attorney’s office stated it was a
month to month contract and the original intent was for a year yet it had gone for eighteen months already, why they continued to drag this out because it was beyond the scope of the intent of the initial contract. Kristin McQueary stated that she was not sure, but every time they began working upon the paperwork the concept changed. She stated she did not feel that she ever had a meeting of the minds between Charles Voos and Tim Brown in order to have a written document to bring before the Board to sign. Kristin McQueary noted that various concepts for payments had been previously discussed. She stated that if at this time they wanted a written contract with Mr. Brown and they were going to go on the bid process with the other outfit then they would have a written document from the end of February to the end of June so there would be no conflict situation. Commissioner Roberts believed they needed to resolve item (b) upon the agenda before they resolve item (a).

The Board discussed a request to rescind the decisions made by the Board of Commissioners at the 01/02/2002 & 01/16/2002 meetings in awarding the contract for a Solid Waste Hauler in the Salt Lake Basin Sanitation District inclusive of direction to go forward with the previous decisions or re-bid the contract and all other matters related thereto. Commissioner Nannini stated he took exception about how Tim Brown felt about this matter because he felt that the County had worked with him well. He noted that the County had tried to keep him involved with the whole process and had hired him. Commissioner Nannini noted he was aware that some of the people of Montello could not pay their bill, and there was less than half the collection in Montello. Commissioner Nannini noted that Tim Brown came to the County and stated he could not take on as a business, if they had to perform the collections. He stated that the County couldn’t either so they came down to the situation where they had to cut costs and went into an experimental situation. He did not believe it would hurt Tim Brown to lose this contract. He stated that there would be community policing the situation and they would be smashing down the garbage. Commissioner Nannini told Tim Brown that in the long run he was lucky that the Idaho Company bid upon the process. Commissioner Nannini noted that he had told them numerous times it was not a money making deal for them and the County could not pay a better price. Tim Brown inquired why then were they increasing the rates. He stated it was 15.5% over and above what Elko Sanitation charged them now, and for less service. Tim Brown stated that was the real issue. It was not the money. He stated they gained $1800.00 dollars profit on a $20,000 contract. Commissioner Nannini stated that the issue was Idaho was willing to go on an on call basis, wherein it might not be that contract price. Tim Brown stated he was called one time for an estimate. When he found out they did not advertise it, he did not want it coming back on him that he had done something to get the county to enter into a contract under false pretenses so he requested that they advertise it. He noted that in the interim the contract got changed and he was not notified. He stated that Charles Voos was contacted by an Idaho company to change it and he changed it. Commissioner Lloyd noted that it was within the paper and he did not look at it. Tim Brown stated legally yes and he did not have an argument with that because he did not read the paper. However he inquired how they could say that
everybody was notified because Charles Voos obviously had contact with this Idaho company prior to the change of the bid because he changed the bid from 40 yard to 46 yard containers and that was collusion. He stated collusion was any instance of information between the company and the bidder and this bid was collusion.

Robert Stokes stated that this was the third time it had come to the Board and had been reviewed by the District Attorney’s Office and from the Attorney General’s office and have a memo in the packet from Cash Minor which have reviewed the issues and at the last Board meeting under public comments there was some forcefully stated and inappropriate comments. He wondered now if there were inappropriate comments being made now with regard to criminal activity in which none of the legal authorities were no criminal activities. Tim Brown stated that the Attorney General’s Office vaguely stated it was not in their jurisdiction and they said it was a civil matter; that did not mean it was not an illegal act. Tim Brown noted that anything that he stated was only allegation. He was not an attorney, he was not a lawyer and he was not a judge, and his legal perception was nothing more than an attitude and a personal concept and all he could do was to come before the County and ask that they do the right thing on behalf of the County. Commissioner Lloyd noted from their aspect all they could go by was their legal counsel, and everyone stated everything was in order. He did not know what would happen if they rescinded something that had gone out legally for bid. Tim Brown inquired what was legal and what was fair. He noted increasing a rate in a bid from what they were paying now to a higher amount of 15 ½ % was not in the best interest of the County. He stated that on top of that, the fact that an item, a figure was presented to this Board with his name attached to it. To him in his eyes and in his attorney’s eyes, that constituted forgery. He stated that was his opinion and asked the Board to take it into consideration. Commissioner Roberts noted every attorney had a different opinion and they had been advised by their legal counsel that everything was in legal order. Commissioner Ellison stated he still felt that through the process there was a difference in opinion, and he felt it should be re-bid upon an equal playing field.

**MOTION:** Commissioner Russell moved that they do not rescind the decisions made by the Board of Commissioners at the January 2, 2002, and the January 16, 2002 meetings in awarding the contract for a Solid Waste Hauler in the Salt Lake Basin Sanitation District, inclusive of the direction to go forward with the previous decisions. Commissioners Lloyd seconded the motion.

Commissioner Russell stated he was not in agreement with Tim Brown on this issue. However, he felt that Mr. Brown had valid points in terms of the contract that was extended to him and felt they should treat him with respect with regards to the remaining terms of his contract and if they need to establish a contract it should go from February to June and they should have some documentation. He stated that was only showing respect for him as an individual. Kristin McQueary stated she did not have Charles Voos file so she did not know to which term he had contemplated the bid on the solid waste. She stated that the documentation in Cash Minor’s possession did not show a start date.
Commissioners Russell, Lloyd, Roberts and Nannini voted aye. Commissioner Ellison opposed the motion. The motion was passed by majority vote.

Commissioner Roberts stated as he understood it Mr. Brown had a month to month contract until the 1st of July. Tim Brown stated he was lead to believe by this Commission that it was going to be just like the past contract, on a yearly basis, and that was the intention from the beginning. Tim Brown stated he could not believe that the County was going to say to heck with your contract, and they were going to charge the taxpayers more. Commissioner Roberts noted that earlier this morning he was informed that the calculations had worked out to be substantially less than what they were paying him right now. Tim Brown noted that the bid was for $25,800.00 for 10.5 tons hauled every two weeks which was what Elko Sanitation did right now. He stated that was what his bid was based upon, the same amount, when Charles Voos inadvertently changed the amount of landfill fees and presented that to the county. Tim Brown stated that was what he could not understand because his bid was lower but with more hauls and it had no effect. Commissioner Roberts stated that they had ran the figures and noted they had a second opinion upon the figures. Commissioner Nannini read into the record: “tons of garbage to be transported and disposed of, whether it was collected in a 46 or a 40 cubic yard container, regardless each container would be transported 24 times per year and the tons of garbage would not vary whatever size the container was used.” Tim Brown’s bid was $34.00 per ton for disposal and Southern Idaho’s bid was $22.40 per ton. It was assumed that there would be 10.44 tons every two weeks. The cost of the disposal had been $3,549.60 in Tim Brown’s bid and about $2,338.56 for Southern Idaho.” Commissioner Nannini stated that what the Board had to go by, and would always go by, was what the legal counsel told them and according to those figures he was not making sense upon what he was trying to argue. Tim Brown replied that they needed to do the math, it dealt with the mileage. He stated it did not have anything to do with the landfill fees, and his landfill fees were included within his bid and requested that they look at his bid. He noted that his estimates reflected the haul rate, the landfill fee, and the mileage. Commissioner Roberts noted that the Board had voted not to rescind the contract and it stands at this time.

Tim Brown inquired when his contract would expire on the month to month basis. Kristin McQueary stated she did not know when Mr. Voos contemplated starting the new contract. Tim Brown stated they would have to negotiate another contract for the term because the amount that they estimated was based upon a year to year with the intention of having a long term contract. He stated his investments were lost and the contract would have to be revised as of March 1st to include those loses and it would be significantly higher. Commissioner Lloyd noted he had only a yearly contract and he already had 18 months. Tim Brown stated he did not have a yearly contract, it was month to month now. Commissioner Lloyd noted it was originally a yearly contract and he already had eighteen months and he should have recouped his money if it was based upon a one year contract. Tim Brown stated he was counting on good faith that it would last for a long term. He stated that most County contracts protect not only the county but the hauler, in the fact, that
if the hauler did not provide the proper service they would be removed by vote. He stated that if they provided the service, without complaints, and they abide by the rules, the County could not vote them out for absolutely no reason and he did not think that was fair. Tim Brown noted that there was no signed contract but it was approved and it was based upon prior contracts. Tim Brown stated he could not imagine them saying that since they didn’t have a contract it was automatically month to month. However past contracts were from year to year. He would request a new contract and also requested that he should be able to submit a price on that to compensate for his losses. Commissioner Lloyd suggested they get a bid from the other guy, and go with the lowest one. He stated that since he was doubling his prices then they could go to bid. Tim Brown noted he did not state his prices, however he had assumed again. He stated that was what had happened to this, it was assumed that it would be a year, and it was assumed it was going to be done a 1 ½ year ago and it was assumed it was going to be a year at a time. Tim Brown stated that at this time their contract officially ends at the end of the month, and at this time they would be asked to sign a short time contract until the first of July. He stated that was not a problem. Commissioner Roberts stated he was to operate as he was, upon a month to month basis. Tim Brown inquired that as far as rescinding his contract the vote was not to rescind, and not to sign and if that was correct. He inquired if they had even voted upon the first issue. Commissioner Nannini stated he should continue to do it until his time was up which was the 30th of June, and just continue to give them the service. Tim Brown stated he was in awe because under the normal contracts if it was a month to month contract, was it the same as any other contract, where if they had not been providing the service required or was it because there was nothing signed there was not a contract, and it was whatever they felt like doing. Tim Brown inquired if that was fair. Commissioner Nannini noted that they had accepted another bid. Tim Brown noted that was his point. He had entered into an agreement, entered into a service for this County. Commissioner Roberts noted that some of the questions he was asking, the Board could not answer. Tim Brown stated it was also a moral issue. Commissioner Roberts suggested he take it up with District Attorney’s office.

ELKO PUBLIC GUARDIAN:

Debbie Harrison, Elko County Public Guardian, discussed the status of the Public Guardian Office. She stated that she received the majority of the files on November 28th and the next two weeks she did not work in the District Attorney’s Office because she had two gentlemen causing major problems. She felt this was a full time position. She noted the number of wards at this point. She stated that her main problem was getting an attorney to represent them and perform the necessary paper work. Ms. Harrison reported that the first eight was represented by James Copenhaver. Some of those cases he was paid for but the majority he was not being paid. She stated that Bob Wines was also representing some but had not received payment for any of the cases. She stressed that there was a lot of time involved. She believed that Rich Barrows was being paid for his representation and Rob Salyer had also been paid for his representation. She stated the
new person was indigent and she would have to plead with a private attorney for proper representation. She noted that the Deputy District Attorneys did not have any experience with this type of work, and that was a major problem. She did not know how to resolve this but it was a major problem obtaining legal help. Debbie Harrison reviewed the hourly rates for private counsel to answer her legal questions. She reported upon the numerous hours this position required and her having to be ready at a moment's notice to respond to any situation that may arise with her wards. Debbie Harrison stated she was fortunate because she knew the people at the elder services, the hospital personnel in the billings department, the police department, and the deputies in the Sheriff’s department which helped her with these duties. She reported that she was handling large amounts of funds for the individuals. Debbie Harrison warned the Board that there were major problems with this position and there would be more due to the aging population and a large transient population. Commissioner Lloyd inquired that if the people had the money why she was addressing it. Debbie Harrison stated that she was handling the government money such as social security benefits and noted most of her wards were institutionalized. Commissioner Nannini felt she should be on the list for budget consideration. Debbie Harrison noted that one of her main problems was obtaining legal representation. She stated fortunately the District Attorney’s office recognized that she had to leave the office at a moment’s notice. Commissioner Lloyd noted there was more demand than funding available and there was a limit to what government could do. Debbie Harrison pointed out that they were bound by statute upon some of these cases. She noted that the private sector charged the wards for services if they had social security benefits and she felt there were different options that they should looked at. She stated she could not make these decisions without the Board aware of what was going on. She may be submitting quarterly reports.

ELKO COUNTY DISTRICT ATTORNEY:

State of Nevada V. Smith Properties Delinquent Tax Case, APN 010-740-002, APN 010-740-0A2:

Kristin McQueary stated that the District Attorney would attend a hearing on the 22nd in Bankruptcy Court in Reno. She stated Gary Woodbury did not have any further update than what he had told them previously that the debtor was in possession and they were working upon a reorganization plan. Commissioner Nannini inquired about payment of their current tax bill and noted that the judge had instructed them to pay their taxes. Kristin McQueary stated hopefully Gary Woodbury would find out more information with regards to that payment at the next couple of hearings. Caesar Salicchi stated that post position was July 10th and it would be the fourth installment which was $32,000.00. He stated that they had agreed to pay it but questioned whether payment would be forthcoming. He noted the debtors would have to pay administrative fees. He reported there were several attorneys involved in which one firm charged $350.00 to $550.00 per hour and another firm charged $175.00 to $350.00 per hour which were a part of administrative fees and would come before the County. He questioned whether there was enough cash flow available...
to pay all these fees. Commissioner Lloyd inquired if that property was included in the assessed values projected for next year. Cash Minor replied in the affirmative and noted Debbie Armuth had commented earlier in the day that they would have to adjust property taxes downward.

The following comments were submitted by Assemblyman Carpenter during the Highway Commission meeting of this same date:

Assemblyman John Carpenter stated he was under the impression that taxes had a high priority within the bankruptcy process, possibly higher than a Deed of Trust or Mortgage and he had spoken with Gary Woodbury. He believed this may fall under federal legislation. He felt that if anything could be done within the State to make the taxes equal to the administrative costs such as trustees and lawyers, then they should try to get that changed. He stated that Gary Woodbury would review that matter for him and he would also have the Legislative Council Bureau review that matter.

Elko Snobowl Foundation:
Kristin McQueary stated she had sent the renewal 2002 Use Agreement between the Elko Snobowl Foundation and Elko County to Charles Chester but she had not heard back from him. Kristin McQueary reported that McMullen Insurance had contacted her and stated that the Snobowl certificate of insurance had not reflected participant coverage as required by the agreement. She stated that McMullen had asked her to remind them, if a snobowl representative was present, that they were not getting adequate insurance protection. Kristin McQueary noted this agreement was an annual renewal and upon a subsequent agenda she would like to discuss this with Wayne Carlson of the insurance pool about the Washoe County’s skier’s responsibility Ordinance. She felt it may lower the insurance premiums with regards to the snobowl. Commissioner Lloyd inquired if they were listed as an additional insured. Kristin McQueary replied that the County received a copy of the insurance coverage as an additional insured. She noted that one of the requirements within the Agreement was that they obtain participant liability coverage, and the insurance certificate had not reflected that for the past few years. She stated that McMullen’s had inquired why that insurance coverage was not listed on the certificate.

MOTION: Commissioner Ellison moved to approve the renewal of the 2002 Use Agreement Elko Sno Bowl Foundation - Elko County with the conditions that insurance coverage be met. Commissioner Nannini seconded the motion. The motion was passed unanimously.

Elko County Detention Facility Civil Legal Services:
Kristin McQueary discussed approval of renewal of civil legal services at the Elko County Detention Facility with Matthews & Wines, P.C. She stated this was an annual contract wherein they provide legal services for the inmates. She stated this service was provided due to a federal regulation, and eliminated them having to fund a law library for the inmates. She noted the contract price had remained the same over a number of years.

MOTION: Commissioner Lloyd moved to renewal civil legal services at the
Elko County Detention Facility with Matthews & Wines, P.C. Commissioner Russell seconded the motion. The motion was passed unanimously.

Highway Chairman Roberts called the Board of Elko County Highway Commissioners to order at 5:23 p.m. and reconvened the regular meeting back to order at 6:00 p.m.

ELKO ARCHERY CLUB:
Cash Minor stated he felt they should review the request for Elko County to sponsor the Elko Archery Club application for access road, parking area and trail improvements through a Nevada Division of Wildlife Hunter Education grant application. Cash Minor stated they were looking for someone to front the money for the grant and then when it was received, it would be reimbursed. He stated in reading the support material and agenda item, the support material looked like an informational item but yet it was agendaed for an action item. He stated normally these grants went through the recreational fund and he would have to review the recreation fund to see if there was funding available because they had not put any money within that fund for several years. Commissioner Lloyd inquired about the funding for the gun range. Cash Minor replied yes it was still going on. Robert Stokes stated he had spoken with Lisa Callendar about this application. He noted, with regard to the shooting range and there was 25% match and the shooting club took care of match. He had inquired if the Archery Club would take care of the match and she stated that was all the information she had. He stated that when she was working with NDOW they encouraged her to go so far and then they would give them more information. Robert Stokes stated that Lisa Callendar assured him that if there was a 25% match it was not their intent for the County to cover the match. Robert Stokes did not believe that Mrs. Callendar was aware of the reimbursement issue either because they had not discussed that on the phone. Cash Minor stated that in the past upon these grants you have to expend the money and then they reimburse you, and that was why they came to the County to front the money to complete the project and usually there was a short turn around. Commissioner Roberts noted that was identical to the grant upon the shooting range. Cash Minor preferred this request be tabled until next meeting so he could look at the cash availability in the recreation fund. The Board tabled the matter until the next meeting.

APPOINTMENTS:
Elko County Public Land Use Advisory Commission (PLUAC):
Pursuant to County Code 12-1-2(C),1. appoint one (1) qualified and interested person to a term that would expire December 31, 2005. Robert Stokes noted Gregory D. Powell was the only one that applied for the position.

MOTION: Commissioner Lloyd moved to appoint Gregory Powell to the Elko County Public Land Use Advisory Commission (PLUAC).
Commissioner Russell seconded the motion. The motion was passed unanimously.

WELLS TOWNSHIP JUSTICE COURT:

Judge Patricia Calton requested authorization to fill a part-time clerk position which was in the budget. She stated they were within their budget for this year. She noted there was thousands of warrants within the system and she would like to have someone come in and copy the information in order to collect the funds. She felt that 25% to 33% of the traffic usually turned into a failure to answer and it had been like that for many years. She stated they send courtesy late notices, issued bench warrants and suspended licenses but sometimes that was not enough. She stated that collections were working very well to collect on some of the warrants out of the Elko Court. She wanted them to be able to do the same thing but in order for them to do that, all of the warrants and citations had to be copied. She noted they had thousands of warrants. She gave an estimate upon collection of 63 warrants at a warrant fee of $140.00 together with the late fees which would pay for the position. She also would like someone available to go through small claims cases. She stated they could perform the send out notices pursuant to Statutes of Limitations to close out those files also. She felt that the cases should be closed out properly because they need to make sure the bail bonds exonerations were out and the FBI paperwork was performed before storage of those cases. Judge Calton stated she would like to begin a community outreach program through the school to explain what the court was. She stated that cross training would be done with the part-time clerk to be available to help out when they have a felony arrested. She noted that the past agreement in Elko Justice Court, was that the Judge from that township would have to sit in at the Preliminary Hearing and bring their own clerks. She stated she had not been doing that previously. Judge Calton noted that the courts minimum standards have requested they have double custody of everything. She reported she was relatively a new judge and was attempting to get an education through AOC which did not cost the county or city, together with the required classes. She stated she had been working long hours but they have not been able to get ahead and requested permission to hire a part-time person at $7.00 per hour.

MOTION: Commissioner Nannini moved to fill a part-time clerk position.

Commissioner Lloyd seconded the motion.

Commissioner Russell inquired if they usually looked at the Court as a revenue producing agency. Judge Calton replied yes and noted she had brought back last year’s recap. She noted the Wells court was a small court of three people and from the forfeits, county fines, return check fees, late fees they generated about $218,000.00. Cash Minor stated that the courts collect for both county and state and the Wells Justice Court was a revenue producer at this time. Judge Calton noted that they were short of law enforcement at this time. She felt forfeits and warrants would produce a lot of revenue.

Commissioners Nannini, Lloyd, Russell and Roberts voted aye.

Commissioner Ellison abstained because Judge Patricia Calton was his wife’s sister. The motion was passed unanimously.
COUNTY MANAGER AND COMPTROLLER OFFICES:
Chief Financial Officer/Comptroller:
Approval of Claims:
The Board considered approval of the submitted claims.
MOTION: Commissioner Lloyd moved to approve the submitted claims. Commissioner Nannini seconded the motion. The motion was passed unanimously.

Approval of Travel Requests:
The Board considered approval of the pending travel requests.
MOTION: Commissioner Russell moved to approve the pending travel requests. Commissioner Lloyd seconded the motion. The motion was passed unanimously.

Disproportionate Share Program:
First reading of Elko County Ordinance 2002-B:
AN ORDINANCE SETTING A SIX PERCENT (6%) TAX ON HOSPITAL REVENUES TO PAY FOR INDIGENT CARE, PURSUANT TO AMENDMENTS TO NRS 422.387. THE TAX EXPIRES BY OPERATION OF LAW ON JUNE 30, 2003 UNLESS THE PROGRAM IS EXTENDED BY THE NEVADA STATE LEGISLATURE.
Cash Minor clarified that this was not a tax increase and it was federal money that passed through the local private hospital as well as the county and was transferred to the State medicaid program. He stated there were no tax increase involved it was just pass through funding.
MOTION: Commissioner Lloyd moved to approve the First Reading of Elko County Ordinance 2002-B: AN ORDINANCE SETTING A SIX PERCENT (6%) TAX ON HOSPITAL REVENUES TO PAY FOR INDIGENT CARE, PURSUANT TO AMENDMENTS TO NRS 422.387. THE TAX EXPIRES BY OPERATION OF LAW ON JUNE 30, 2003 UNLESS THE PROGRAM IS EXTENDED BY THE NEVADA STATE LEGISLATURE. Commissioner Nannini seconded the motion. The motion was passed unanimously.
Commissioner Nannini introduced Pat Kowalski, Hospital comptroller, and inquired if he understood the Ordinance. He stated that Cash Minor had been helpful upon the matter.

COUNTY COMMISSIONERS AND COUNTY STAFF COMMENTS:
Commissioner Ellison stated that with regards to the bus on the Pilot Valley road the people had not been contacted by the School District. He had met with Dr. Brown and he assured him that Wilde Brough was performing the necessary paper work. Commissioner Nannini stated that they had a protest from a woman in Montello who had began a petition. He felt the woman now understood the proposal. Commissioner Ellison stated they wished guidance for a West Wendover skate park grant. He would give that information to Robert
Stokes. Robert Stokes inquired if it was within the incorporated town limits of West Wendover and Commissioner Ellison replied in the affirmative.

Commissioner Russell noted Commissioner Nannini was upon the radio but had not commented upon geothermal resources located within the County.

Kristin McQueary stated that today she had signed the Stipulation for Dismissal of the NDEP Appeal. She stated that Bill Fry had faxed the paperwork to close out their dispute with the State. She stated that the State Environmental Commission hearing was held in December and she had inquired why the paperwork only arrived in February. She stated Bill Fry replied that he had awaited until February to make sure that LCB had not made any changes after the committee had completed their work. Mr. Fry would perform all the paperwork and for all intent and purposes they would be finished upon one small aspect of the Jarbidge situation.

Randy Brown, Director of Planning and Zoning, apologized to Robert Stokes and Kristin McQueary for the position that he placed them in. He apologized to the members of the Elko County Commission for his actions brought forth in the February 8th, Elko Daily Free Press article. He understood that he should have brought his concerns upon these issues through the chain of command and addressed them accordingly. He stated he considered himself to be a professional and should have conducted himself accordingly. However, he was human first. He stated he cared a great deal for the people of the County of Elko and about the rights of the citizens. He wished to continue to serve the people of Elko County and the Elko County Commissioners. He stated that in the future he would consider the forum of which these issues were addressed. Randy Brown thanked all the people that he had received support from, all his peers, people he did not know and people who knew him. He wished to publicly thanked them for their support. The Board verbally acknowledged his apology.

MOTION: Commissioner Nannini moved to adjourn the meeting. Commissioner Russell seconded the motion. The motion was passed unanimously.

There being no further business to come before the Board, the meeting was adjourned until March 6, 2002.

APPROVED,
BRAD ROBERTS, Chair

ATTEST:
MARILYN TIPTON, Deputy Clerk