

# Minutes from the August 18, 2020 County Commission Meeting

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August 18, 2020

1:00 p.m.

Esmeralda County Courthouse

Commission Chambers

233 Crook Ave., 2<sup>nd</sup> Floor

Goldfield, Nevada

## 1. CALL TO ORDER AND ROLL CALL.

Delon "De" Winsor - Chairman  
Timothy Hipp - Vice-Chairman  
Ralph Keyes - Commissioner  
Robert Glennen - District Attorney  
Cheri Bickham - Clerk of the Board

## 2. PUBLIC COMMENT. (Discussion only. Action may not be taken on any matter brought up under this agenda item. It must be placed on an agenda, at a later meeting for action.)

Michelle Garcia came up and said she spoke with Sgt. Kirkland about the phones cutting out every two hours and asked him to call the phone company and see if they know if it is a setting that needs to be changed.

## 3. \*APPROVAL OF EXPENDITURES.

### FY20:

Check Re-issue: \$249.42  
Ins. Bills: \$37,272.61  
Utility Bills: \$1,646.59  
Gen. Batch 1: \$746.45

### FY21:

Batch 1: \$90,140.84  
Batch 2: \$7,783.12  
NV St. Cntrlr.: \$10,799.00  
Payroll: 3,116.00  
Payroll: 75,509.85

Total County: \$227,214.46

Commissioner Keyes made the motion to approve the expenditures in the above amounts. Commissioner Winsor seconded the motion. All in favor: Motion carried.

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## 5. \*FINANCIAL REPORTS

A. Assessor	\$43,633.28	07/30/2020
B. Clerk	\$821.72	08/06/2020
C. Justice Court	\$30,212.67	08/03/2020
D. Recorder/Auditor	\$9,742.25	08/10/2020
E. Sheriff	\$1,200.00	07/30/2020
F. Taxes	\$124,069.65	07/31/2020
G. Goldfield Utilities	\$13,709.04	07/31/2020
H. Silver Peak Utilities	\$2,436.01	

## 4. \*AUDITOR'S REPORT

Vera came up and said the commissioners should have two stacks of paper, one for old year and one for new year. She said that is where we sit with everything.

## 8. Update of Current and Future Meetings and Activities of Commissioner's Winsor, Hipp, and Keyes. (This is only an update. No decisions will be made.)

Commissioner Winsor said he has nothing scheduled besides COVID testing. He said he had a SLUPAC meeting last week. He said they talked about the railroad system in the state.

Commissioner Keyes said he got a call from an NV Energy representative wanting to meet with local officials or with Public Works next week on the 27<sup>th</sup> of August. This is just an information-gathering meeting. The CEO and head of Information Management will be here. Sheriff Elgan reminded Commissioner Keyes that we have COVID testing at that same time. Commissioner Keyes said they would possibly be talking about the loneer project as well and that is a big deal. Commissioner Winsor said they talked about NV Energy at SLUPAC as well, that they are upgrading the lines at the state. Commissioner Keyes said it is mid-term and long-term projects they will be talking about. He said our input would be valuable for them.

Commissioner Keyes said he has a Central Nevada Regional Water Authority Meeting on September 18.

Ellen said that Commissioner Hipp is with EMSHA and doesn't know when they will be done.

Commissioner Hipp said he has the workshop in the Tiehm's Buckwheat this Friday. He said he's been trying to get as many business owners and citizens to call in or send an email. It's with the Division of Forestry and it is this Friday at 9:00am. Commissioner Keyes said we did send a comment letter from the County. Cheri Bickham said she has an email anyone can send comments to for this as well.

## 9. Update of current and Future meetings and activities of Elected Officials and Department Supervisors as needed.

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(This is only an update. No decisions will be made.)

Nothing for this item.

10. **\*FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss/Approve agreement with Casey Neilon and Associates to administer Esmeralda County CARES Act Funds. (Commissioner Hipp)

Vera came up and said that she has been working on this because we have a deadline coming up and she believes we can handle it in-house. She said there are enough of us that know grants that we can get through it. She doesn't think we need to reach out for help. Commissioner Keyes said that NACO has offered to help out as well.

Commissioner Keyes made the motion to not hire Casey Neilon and Associates to administer Esmeralda County CARES Act Funds and notify them in letter form. Commissioner Winsor seconded the motion. All in favor: Motion carried.

11. **\*FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss/Decide/Direct where CARES Act funding should be utilized. (Commissioner Hipp)

Vera Boyer came up again and asked that this item be moved to the second meeting in September so she can let the commissioners know where they stand with the funds still left over. She said there is a lot more that can be claimed than we thought.

Commissioner Hipp just called in to the meeting and wanted to know what was happening with his agenda items. Commissioner Winsor stated that we were handling the funds in-house and didn't need the outside company. He also said we need to move the current item to the 9/15 meeting. Commissioner Hipp stated he wanted to make a point that this money has to be spent by December so we just keep kicking this down the road and we are going to have to explain to taxpayers why we lost \$150,000 because we just couldn't get around to settle it. Vera Boyer said we are not pushing it down; the reason she is asking for us to hold off for a second is she has to submit a report by September 1 for the first quarter of this money. After that, the commissioners will then know where we sit with the rest of the money so we can get it spent. Commissioner Hipp wanted to know how we spent money without the commissioners' permission. Vera said the commissioners approved the bills in the commissioner meetings. She said this dates back to March, when this all started. Commissioner Hipp said he thought we were going to decide where the money was going to be spent before we actually spent it. Vera said what she is reporting on for this quarter is masks, any cleaning products, the barriers we have put up in the offices, and wages.

Maureen asked if we were going to send a letter on item number 10. The answer is yes.

12. **\*FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discussion/Decision; on the fuel systems in Dyer, Silver Peak and in Goldfield. (Sheriff Elgan)

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Sheriff said we can table this item until item number 14.

13. **\*FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Approval to advertise the bid for the Esmeralda County generator project with funding for the project from CDBG. (Mike Anderson)

Mike Anderson came up and said the contract documents are in the backup. He said he got with the electrician and said all of the generators are the same and the parts will be interchangeable. He said they will be plenty big enough and will be sitting on pads.

Commissioner Keyes made the motion to approve to advertise the bid for the Esmeralda County generator project with funding for the project from CDBG. Commissioner Hipp seconded the motion. All in favor: Motion carried.

4. **\*DISCUSSION/DECISION/APPROVAL:** Rejected Vendor Bills from Auditor's Office.

August 18, 2020

TO: The Honorable County Commissioners

RE: Rejected Vendor Bill

I have received a past due invoice for Suburban Propane dated January 24, 2020 from Deven Thackeray, Supervisor for Road & Solid Waste. This bill totals \$130.10, which is a past due amount.

I have rejected this invoice according to NRS 244.210, NRS 280.260 and NRS 244.250.

This invoice is past the time frame to be paid along with the County bills.

I have researched the above referenced bill and found that it has not been previously paid.

This invoice can be approved by the County Commissioners if they so order, and only by a unanimous vote of its members and certified by the Clerk of the Board that all voted for its passage.

Please review the invoice and designate if \$130.10 is approved or rejected for payment.

Sincerely,

Vera Boyer  
Auditor/Recorder

Commissioner Keyes made the motion to pay the bill in the amount of \$130.10. Commissioner Hipp seconded the motion. All in favor: Motion carried.

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August 18, 2020

TO: The Honorable County Commissioners

RE: Rejected Vendor Bill

I have received a past due invoice for Nevada Association of Counties from Maureen Glennen, Administrative Assistant for County Commissioners. This bill totals \$7,437.00, which is a past due amount.

I have rejected this invoice according to NRS 244.210, NRS 280.260 and NRS 244.250.

This invoice is past the time frame to be paid along with the County bills.

I have researched the above referenced bill and found that it has not been previously paid.

This invoice can be approved by the County Commissioners if they so order, and only by a unanimous vote of its members and certified by the Clerk of the Board that all voted for its passage.

Please review the invoice and designate if \$7,437.00 is approved or rejected for payment.

Sincerely,

Vera Boyer  
Auditor/Recorder

Commissioner Keyes said this is a recurring bill every year to be a part of the NACO group and it is based on the population and PILT funds of our county. Commissioner Keyes made the motion to pay the bill in the amount of \$7,437.00 to NACO. Commissioner Hipp seconded the motion. All in favor: Motion carried. Commissioner Keyes made a note that Nye County's bill is \$41,000.00.

August 18, 2020

TO: The Honorable County Commissioners

RE: Rejected Vendor Bill

I have received a past due invoice for Sysco Las Vegas from Matthew Kirkland, Sergeant for Esmeralda County Sheriff's office. This bill totals \$826.35, which is a past due amount as follows: September 19, 2019 in the amount of \$686.86 and January, 2020 in the amount of \$157.49.

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I have rejected this invoice according to NRS 244.210, NRS 280.260 and NRS 244.250.

This invoice is past the time frame to be paid along with the County bills.

I have researched the above referenced bill and found that it has not been previously paid.

This invoice can be approved by the County Commissioners if they so order, and only by a unanimous vote of its members and certified by the Clerk of the Board that all voted for its passage.

Please review the invoice and designate if \$826.35 is approved or rejected for payment.

Sincerely,

Vera Boyer  
Auditor/Recorder

Sheriff Elgan said this is for inmate food. Commissioner Keyes made the motion to pay the bill in the amount of \$826.35. Commissioner Hipp seconded the motion. All in favor: Motion carried.

14. **\*FOR POSSIBLE ACTION: DISCUSSION/DECISION:** 1. Approve Silver State Petroleum Service to upgrade our two fuel systems in Esmeralda County. 2. Approve to use Capital Project Fund to upgrade Silver Peak and Fish Lake Valley fuel system. (Mike Anderson)

Mike Anderson said this is to improve the Silver Peak and Fish Lake fuel systems as we've been trying to do for the last 3 years. He said we finally got a price from these people. He said we do have enough in Capital Projects for this. Commissioner Keyes asked who actually owns the tanks. Mike told him the County owns the tanks.

Commissioner Keyes made the motion to 1. Approve Silver State Petroleum Service to upgrade our two fuel systems in Esmeralda County and 2. Approve to use Capital Project funds to upgrade the Silver Pak and Fish Lake Valley fuel system. Commissioner Winsor seconded the motion. All in favor: Motion carried.

15. **\*FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Our Silver Peak Operator is leaving October 1, 2020 and we would like the commissioners to approve to let Michael Anderson to post a Notice of Part-Time Silver Peak Utilities/Maintenance Position and Care-taker/Key holder for the Silver Peak Community Center with the current operator there to do training to the person who will be taking over the position after she leaves. (Mike Anderson)

Commissioner Keyes made the motion to approve to have Michael Anderson post a Notice of Part-Time Silver Peak Utilities/Maintenance Position and Care-taker/Key holder for the Silver Peak Community Center. Commissioner Hipp seconded the motion. All in favor: Motion carried.

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17. **\*FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Talk about Jail items that need to be fixed. (Sgt. Matthew Kirkland/Mike Anderson)

Mike said there was a list (that he hadn't seen) that was done about a year ago and then another one done by, he believes, Homeland Security or U.S. Marshalls, but it identified several things that need to be fixed for the jail. He said some of them were beyond our scope of doing things because the jail has special requirements. We can't just hammer something together. He is more concerned about the insurance one, the one by the people who insure the building. He asked if the commissioners had gotten that list. Commissioner Keyes said he didn't recall getting it. Commissioner Winsor said they had received it in the past. Mike said we need an architectural design done to give us some idea of what to do. Mike also said this was not budgeted for. He did not budget for it. Sheriff Elgan said we did get a POOL/PACT grant for just under \$10,000 for minor items and he has been ordering some of that.

Sheriff Elgan said the study that was done cannot be made public as it has some security issues. He said the commissioners can go look at the reports no problem, but it cannot be done in a public forum. Commissioner Winsor asked Sheriff Elgan if he knew of anyone who could do this for us. Sheriff Elgan said he has had a couple of architects who have reached out to him to build a new jail. S&H Architects and a couple of others. Mike said normally for something like this we would go out for a Request for Qualifications, for a qualified person. He would recommend that we do that. He said with a request for qualification, anyone who would be interested could come in and we could interview them. He said we need to come up with a funding source.

Sheriff Elgan suggested that Mike could join Commissioner Winsor and Sgt. Kirkland this Friday at the jail inspection to get some ideas.

This item will be put on the next agenda. Ellen asked who was to do the agenda item. Commissioner Winsor said the commissioners' office will do it. Ellen said she and Maureen will work on it.

23. **\*FOR POSSIBLE ACTION: DISCUSSION/DECISION: (TIMED ITEM 2:00 PM)** Discussion Decision and approve of Klondike well field drilling report and Gemfield water service flow increase and construction water report. (Paul Winkelman, Shaw Engineering and Dwight Smith, McKinley & Associates)

NOTE: Mike Anderson asked that Michelle go back and listen to the recording of the meeting because what she had originally put in the minutes was incorrect. Following is more closely word-for-word what was said in the meeting. (Normally, we would not go to such detail in the minutes, but Mike Anderson was adamant about this particular agenda item so I wanted to make sure it was in the record correctly)

Paul Winkleman from Shaw Engineering was on the phone and said in the packets included there are a couple of memos and those include a lot of technical information and what is going to try to do today and go briefly through the results of those two memorandums. He said that also joining them today

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was Dwight Smith with McGinley and Associates. Paul said Dwight is responsible for the ground water component, which includes predicting what the long-term drawdowns are at the well field. He said he goes to Dwight and asks where the water is, how much there is and what the quality is and once he answers those questions, he does the engineering and gets the water into the town, so that it is used by all the customers, including the mine.

Mr. Winkleman said that back in 2016 they completed a study to identify the infrastructure that was going to be required to serve the Gemfield mine. He said at that time they were looking at about 429-476 gallons per minute as an annual average, with a peak of up to 500 gallons per minute. He said that study identified the need for at least two more wells, which they are calling K3 and K4 and those two wells will each have to be capable of 200 gallons per minute each and will need to be 1,000 feet apart and 1,000 feet south of Klondike well 1.

He said the study back in 2016 recommended that an exploration program be undertaken to verify the quantity and quality of the water at these future K3 and K4 sites. He said, in addition in 2016, it was recommended that as part of this exploration program, that we install 2 monitoring wells that they could use to track future ground water level trending. The tracking of the ground water levels is really important to confirm what Dwight is tell us what he thinks is going to happen with the static water levels over time with the increased pumping.

Mr. Winkleman said the first memo said the first memo presents the results of the exploration program. Based on that it was decided that 2 additional wells could be drilled at the K3 and K4 sites, now called Site A and each of those wells should be capable of provide 200 gallons per minute each over the long term. Until the wells are drilled and test-pumped, we won't know for sure.

He said the water quality is good with the exception of arsenic, which was not a surprise. He said the construction of the two wells is expected to be very similar to K1 and K2 in that they will be about 400 feet deep with the screen starting about 250 feet. He said that in the exploration program, there was the hope that if they went deeper at site A, they might find more water, better quality water. They actually drilled up to 500 feet deep and actually found that the bottom of the hole was dry, which was a bit of a surprise to them but that answered the question; there was not water at the deeper levels and, obviously not better-quality water.

Mr. Winkelman said the exploration program also explored another site; approximately 1 mile south of the existing Klondike well field and they called that site B. At that site they found very positive conditions and they believe that a well could be developed in the 300-500 gallon-per-minute range at a depth of about 460 feet. He said there is a shallower and a deeper zone in that area that they think that they can develop good quality and quantity water out of. The arsenic at site B also does not meet drinking water standards, but that was not unexpected.

He said the downside to site B was that it was not included in the original EIS prepared for the mine and water rights would have to be transferred to it. Both of these items would require additional attention and time before a well could actually be drilled and placed into operation at site B.

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In summary, for the first memo, the exploration essentially confirmed what they were thinking back in 2016; that they would need 2 new wells, K3 and K4 at that location and that they would do 200 gallons per minute each.

The second memo was prepared by Shaw Engineering dated August 3, 2020 that it also included an additional memorandum prepared by McGinley dated August 6. The purpose of these memos was to evaluate increasing the amount of water that could be delivered to the mine and also supplying construction water to the mine. Both of these items were at the request of the mine.

Looking at increasing the amount of flow. After looking at some options, they settled on the most reasonable option, which is that we can supply the mine up to 582 gallons per minute (GPM) as an annual average with a peak of about 600 GPM. That is about 100 GPM more than they were originally looking at back in 2016. Based on the modeling that was done, they believe that they can meet that increased flow for about 2 years without a problem simply using wells K1, K2 and new wells K3 and K4. After about 2 years, though, they recommend that a fifth well, K5, be developed at site B. This K5 location is necessary to better distribute the withdrawal from the aquifer and it helps to maintain acceptable water levels at the existing well fields, K1-K4. He said it is the intent that once service begins at the mine that the ground water levels at K1 and K4 will be closely monitored and at some point, we will have to start pursuing a well at the K5 site.

Mr. Winkelman said that something that is not currently in our memorandum, but is important and will appear in the final document, is the recommendation to re-drill well K1. Considering the age of K1, what its condition was 5 years ago when we last videoed it and now with the increased demand being proposed to be placed on the well, we feel this is a prudent thing to do.

In regards to supplying the construction water; originally, they had anticipated that the permanent mine service would be in place and that is what the mine would be using for construction water. He said they are about 14 months away from having a permanent service to the front door of the mine. In the interim, the mine asked if there was any way we could supply them with construction water, 200 GPM; basically 24/7 for 12 months. Mr. Winkelman said they looked at that very hard, very seriously and in order to commit to this the very first thing we would need to do would be to look at the condition of the existing K1 and K2 wells and make absolutely certain that when we increase the pumping to meet this need that we can safely do that, without compromising the town's water system in any way. He said that is of paramount importance to everybody. They would have to deepen the pump at K1. They would also possibly have to replace both of the well pumps at K1 and K2 because the water levels would drop and we would need to put in higher head pumps. They would also have to do some fairly significant temporary modifications at booster pump station number 2. And, then we would have to install the service line to the mine, along with their meter and back flow preventer.

So, assuming that it was determined that K1 and K2 could withstand the increased pumping, it would be about 12 months to get this temporary system in place. That would be to do the engineering, the permitting, the bidding, the construction; roughly 12 months. If either K1 or K2 had to be re-drilled, it

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would obviously take longer. He said when you think about the fact that we can have the mine service in place in about the same time (14 months), it becomes obvious that it would be better to just construct the permanent mine service, as originally planned. He said that is definitely the less-risky approach for everyone and it is their recommendation. Yesterday, the mine basically came to the same conclusion; to not waste their time going down the path of temporary construction water, and just go ahead and get the permanent mine service in place and be done.

So, in the seconded memo, yes, we can meet the increased demands initially, for about 2 years. But at that time, they are predicting that the water levels will start declining too much at K1 through K4 and then they are going to have drill well K5.

In regards to supplying construction water, the timing for that just doesn't make sense.

The last thing Mr. Winkelman wanted to say is that back in 2016 there was a reason why they were recommending that the monitoring well be installed. That was because these models that we do are the best tool that we have available to predict long-term drawdowns, and he knows that Dwight works very hard on trying to make sure his models are correct. But, at the end of the day it is extremely important to make sure that you monitor your ground water level and that they are doing what your model is telling you they are doing. If they're not, then you have to make adjustments. Once we start pumping, it's going to be really important to be able to provide this level of service to the mine; whether it is the level that we were talking about it 2016, whether it is the level we are talking today; we are going to have to monitor those ground levels and we are going to have to make sure they are doing what we think they are doing and that they are behaving as we think they are.

Commissioner Winsor asked if anyone had any questions and there were none.

Susan Dudley wanted to add that on their conference call with Waterton and Gemfield yesterday they also discussed that this won't be the normal run-of-the-mill service application because of what Paul just talked about. We will have so many things to look at and if this happens, that needs to happen; so, we will be putting something before the commissioners, she is going to get some point to the Waterson lawyers and they will put together an agreement and then we will bring that to the Board.

Commissioner Keyes made the motion to approve the Klondike well field drilling report and Gemfield water service flow increase and construction water report. Commissioner Hipp seconded the motion. All in favor: Motion carried.

**18. \*FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Approve setting up a fund for steel-toe boots for reimbursing Solid Waste staff after purchase for safety requirements for working in or around heavy equipment. (Deven Thackeray)

Deven said this is not entirely what he wanted this to say. He said this is not in his budget, but he has the refund from Herback he can use. This is not in our policy. Vera said to research it because if we are going to do this for Road, we need to do it for Maintenance, as well. Deven said this is for his Road

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guys. Michelle let him know that if this is for the Road department this item should have been on the Road agenda. She also told him that the Road budget cannot fund the Solid Waste department. Commissioner Winsor agreed and said again that Vera needs to research it and see where it can be funded and be able to cover Mike's people in Maintenance.

Mike Anderson came up and said that steel-toes shoes are something that both OSHA and MSHA require. He said we already provide eye protection, hard hats, safety vests, etc., and those things other people can use, but other people can't really use your shoes.

Commissioner Winsor suggested we put this on the next agenda. Commissioner Keyes said if it's part of your job to show up to work, to do your job properly, the gear you need to do your job is steel-toe boots. It's really not in your job description that you must have steel-toe boots so we have a discrepancy in our personnel policy he thinks. He said if we buy one pair, who is going to buy the next pair?

Danielle Johnson came up and said if the commissioners start this it is going to keep going. She said she has taken a whole lot of her personal clothes home that are completely ruined because of her job on the ambulance. She said if the commissioners are going to provide steel-toe boots for the Road department, the ambulance will bring this back. Commissioner Keyes said he understands; they have to use an even hand when applying the rules.

Commissioner Winsor asked Commissioner Hipp if he had any input. Commissioner Hipp said he supports buying them. He said it is required.

Deven said the reason he brought this up is that they are getting ready to occupy Gemfield's laydown yard. The guy in charge of safety out there, even though it's not required in the wording to have steel-toe boots out there, he knows that MSHA requires it. Being a person that is entering into an agreement with this guy, we want to make sure that we do everything we can to protect their interests while we are on their property. Thus, when working around heavy equipment we want to make sure we have steel-toe boots.

There were conversations over each other talking about whether or not mines bought boots for their miners. Danielle Johnson said Round Mountain did not provide boots for her husband and Ellen said her husband's jobs have provided him boots.

Item will be put on the next agenda (Road Agenda).

19. **\*FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss/Decide and Approve to accept Ellen Loving's resignation as the Director of Senior Transportation and BOCC Administrative Assistant effective 9/4/2020. (Ellen Loving)

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Commissioner Keyes made the motion to accept Ellen Loving's resignation as the Director of Senior Transportation and BOCC Administrative Assistant effective 9/4/2020. Commissioner Hipp seconded the motion. All in favor: Motion carried.

20. **\*FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discus/Decide and approve to issue Maureen Glennen, the newly appointed Administrative Assistant to the BOCC and Director of Senior Transportation, a county credit card with a \$1000.00 spending limit and the ability to have the credit increased should the situation arise and the County Treasurer approve. (Maureen Glennen/Ellen Loving)

Commissioner Keyes made the motion to approve to issue Maureen Glennen, the newly appointed Administrative Assistant to the BOCC and Director of Senior Transportation, a county credit card with a \$1000.00 spending limit and the ability to have the credit increased should the situation arise and the County Treasurer approve. Commissioner Hipp seconded the motion. All in favor: Motion carried.

22. **\*FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss/Decide and approve TODAY employee life, dental and vision carriers. Decision must be made by 8/18/2020. (Tracy Neeley and Heidi Sterner at A&H Insurance)

Heidi was on the phone and went over the hand-out. Commissioner Keyes said there is always going to be unintended consequences when making changes on a policy; something gets left out, somebody gets overlooked. There is always going to be an issue come up. He said their job as commissioners is to do the best job, they can for the money they spend. It is their fiscal responsibility. He said he is sure they are comments.

Ruth Lee said yes, they do. Heidi said that if someone has a provider that is not currently contracted, the insurance company will do all they can do to get a contract with that provider. She said in the dental and vision space they really go out of their way to get that done. Ruth asked where the three-day notice for retirees and regular employees was posted. She said she didn't see anything. She said it is required by law if there is a change. Commissioner Hipp asked who the people were who insisted that we get this out to the public. He said those are the people who should have been out there notifying people. He said this is not a game and she is wasting our time with these games. Ruth said they are not playing any games. Heidi came back on the line and said if the commissioners decide to change, the effective date would not be until October 1, so that would give plenty of time to give notice. Ruth said her question is, when is this going to start? Commissioner Winsor said Heidi said it was 10/1. Ruth said Heidi's figures do not reflect what was submitted on the employees' preference so she wants to get an eye appointment before 10/1. Ruth then told Commissioner Hipp that this is not a game, this is her benefits that she gets from the county, and asked him to please not be condescending to her when she speaks.

Commissioner Winsor confirmed that the start date would be 10/1. Heidi said that is the intent, if the commissioners decide to switch.

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Heidi said the survey only reflects the people who reached out to her. People were asked to email or call her.

Commissioner Hipp made the motion to approve and select the Unum tier 4 as our vision provider and the Unum tier 4 as our dental provider and the Unum basic life higher value as our life insurance provider as a bundled package. Commissioner Keyes seconded the motion. All in favor: Motion carried.

Commissioner Keyes made the motion to recess for 5 minutes. Commissioner Hipp seconded the motion. All in favor: Motion carried.

Back to Order.

21. **\*FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss/Decide and approve an update to the Safety Sensitive positions that require random drug testing and creating a policy regarding random drug testing. (Maureen Glennen)

Maureen said it is a matter of whether or not we are going to enforce our policy and she said she got a list of who is currently on the safety-sensitive list. Michelle asked her who she is saying is safety-sensitive right now. She said the policy currently shows all sheriff's department positions, public works and utilities supervisor, all county public works labor positions in each respective area, all county maintenance labor positions in each respective area, all county volunteer department personnel positions in each respective area, all ambulance personnel positions in each respective area, solid waste personnel, Goldfield Utility personnel positions, Silver Peak Town Water personnel positions, Road Department non-CDL equipment operator, Road Supervisor, Clerk-Treasurer Chief Deputy and Deputies, Auditor-Recorder Chief Deputy and Deputies, Assessor's Chief Deputy and Deputies, District Attorney's Chief Deputy and Deputies and administrative assistant to commissioners.

Commissioner Hipp said he thought it would be easier to say who isn't on the list; it looks like everyone. Holly Isenhour came up and said it is everyone. She said she thought that was part of the problem. Based on the case law and the opinions from the District Attorney's office, there are positions currently on the safety-sensitive list, that unless they drive a vehicle as a regular part of their job, their job is not defined as safety-sensitive. Michelle said that POOL/PACT agrees with what Holly is saying. Holly said she knows because she talked with POOL/PACT as well. Ellen asked Michelle if POOL/PACT agreed that the D.A.'s opinion is correct. Michelle said yes. Ellen said, then the commissioners just need to define what positions are really safety sensitive, then. Michelle said that POOL/PACT is saying emergency personnel, utilities, road, sheriff's senior transportation. Anyone who is responsible for the safety of others and anyone who regularly drives a county vehicle. Not just someone who is going to drive to check the mail. Commissioner Hipp asked if it had anything to do with money. Michelle said no, it didn't.

Deven Thackeray came up and said that if you work for the County you should have to drug test, period. He thinks that anyone that works for the county is in a safety-sensitive position. He said if you

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come to work high and you are in charge of his check and he misses his house payment, how is that not safe. Holly said it is not, by definition. He said what is good for the goose is good for the gander.

Holly said she understands what Deven means by that, but when you look at the law and the liability we would face if we were randomly drug testing people who were not safety-sensitive we could be sued. She said it is a violation of basically the illegal search laws. She said we legally cannot make people waive their civil rights.

Commissioner Winsor asked if we need to change our policy to fit the current law. Holly said she and Maureen reviewed the current random drug testing policy that we have and it seems fine, except who we test under that policy. The first half of that list does qualify for that policy.

Commissioner Keyes asked about the volunteers. He said they are only on-duty when they are responding to a call. Holly said they don't have to be on duty to be called in. Danielle Johnson came up and said that every person on the Goldfield ambulance has been called for a random test. Commissioner Keyes said if someone goes on vacation can they be tested when they get back. The answer is yes. He said that is not fair. They are always on call. There were many people talking at the same time and no one could be understood.

LaCinda came in and said everyone was talking over each other and told Cheri that she needed to bring the meeting back to order. Commissioner Hipp asked Maureen and Holly if they felt comfortable with the list that they showed him so he could read it and update the policy. Holly said yes. She said there was an issue with the librarians. She said Bob thought that maybe any changes with the librarians should be done through the library board. Holly reiterated that this is just for random drug test only.

Mike Anderson came up and said for years it has always been that utilities that was safety-sensitive and then a few years ago we get it in the policy that everybody gets drug tested, so, he said, let's wait a little time and let's change everything back. He asked why we are stepping backwards and said it was ridiculous. He said we could get sued for anything. Holly came up again, and said it is not the county policy that everyone gets drug tested. That is not what is stated in the actual personnel policy. It actually says random drug testing for safety-sensitive. So, the question became who is safety-sensitive? The policy never said everybody is safety-sensitive, it just turned out that way because the safety-sensitive list; the commissioners at that time chose, against the D.A.'s opinion in 2014 to go that way.

Commissioner Hipp made the motion to consider the following jobs as safety-sensitive positions and open to random drug testing:

- All Sheriff's Department positions
- Public Works and Utilities Supervisor
- All County Public Works labor positions in each respective area
- All County Maintenance labor positions in each respective area
- All County Volunteer Fire Department personnel positions in each respective area
- All Ambulance personnel positions in each respective area

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Solid Waste personnel  
Goldfield Utility labor personnel positions  
Silver Peak Town Water personnel position  
Road Department non-CDL equipment operators  
Road Supervisor

This is based on that they are operating equipment or machinery or that driving is a regular part of their duties, and Sheriff's office emergency personnel. And to include any that regularly drive as part of their regular duties, operate heavy equipment or machinery and are part of the Sheriff's office emergency personnel.

Commissioner Keyes asked if the testing could be done any time or only during working hours. He said he would not support it if it is not during working hours. Commissioner Hipp said he would add to his motion, during regular working hours.

Deven Thackeray asked the commissioners to clarify while doing business. He asked if it was while doing business in a company car or just doing business for the county? Holly read it. "Require the employee to operate the county's vehicles or heavy equipment or private vehicle on company business on a regular and reoccurring basis".

Vera Boyer came up and said we have to be open on the hours of testing because if someone works until 5pm in Tonopah we would have to test them after hours. Commissioner Keyes said it is if they are on duty. Vera said a volunteer is on duty 24/7. Commissioner Keyes said they are on duty only when they are driving the vehicle. Vera said no, they are on duty 24/7. Commissioner Keyes disagreed. He said they don't have to respond.

Holly read from the policy. "Employees selected for a random test but absent due to annual leave, sick leave or other leave, or on urgent county business approved by their supervisor will not be notified to take their random test until the first day they return to work after they have been selected".

So Commissioner Hipp said instead of saying normal business hours, he would say based on our personnel policies.

Commissioner Keyes seconded the motion.

Brad Maxwell came up and said if he is a cop, he is on duty all of the time.

Commissioner Winsor said the motion has been made and seconded: All in favor: Motion carried.

### 6. \*TREASURER'S REPORT

LaCinda said she is working on the Treasurer's report but she is having some problems with balancing. She said from what she can tell, she is like \$224,912.52 off. Going back, it looks like there are 4 packets

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that have not been posted for July receipts. She said that the report that Vera gave the commissioners for the budget reports might be a little off, as well.

LaCinda said we do have \$586,393,52 as far as revenue, that we are reconciling to. And we are reconciling to an ending balance of \$10,899,180.93. The fund balances we have yet to get to a point where we can reconcile. She said Vera just added some new accounts and they she did some more adjustments on Monday. She said that moves the target a little bit so it makes it a little harder to get the report done. She suggested that she and Vera sit down and talk about that there should be so many days of the month where there should be no entries that could affect fund balances so she can get the job done. Otherwise we have a moving target all the time and it makes it hard all the time.

Commissioner Keyes made the motion to recess to the Highway Commission. Commissioner Hipp seconded the motion. All in favor: Motion carried.

Back to Order

16. **\*FOR POSSIBLE ACTION: DISCUSSION/DECISION: (REQUEST CLOSED DOOR MEETING)** To discuss and approve the creation of a catastrophic leave account for a Sheriff's Office employee. If approved, can the deputies in the Esmeralda County Sheriff's Deputy Association donate leave to this employee? (Vera Boyer, Sgt. Kirkland)

Commissioner Keyes made the motion to close the meeting. Commissioner Hipp seconded the motion. All in favor: Motion carried.

Commissioner Keyes made the motion to go back into open session. Commissioner Hipp seconded the motion. All in favor: Motion carried.

Commissioner Keyes made the motion to approve and create a catastrophic leave account for the Sheriff's office employee and approve that the Sheriff's Deputy Association can donate leave to this account. Commissioner Hipp seconded the motion. All in favor: Motion carried.

24. **\*FOR POSSIBLE ACTION** – Closure of meeting, pursuant to NRS 288.220 for purposes of conducting labor negotiations, conferring regarding labor negotiations, issues and other personnel matters.

Commissioner Hipp made the motion to close the meeting. Commissioner Keyes seconded the motion. All in favor: Motion carried.

Commissioner Keyes made the motion to go back into open session. Commissioner Hipp seconded the motion. All in favor: Motion carried.

25. **\*FOR POSSIBLE ACTION** – Discussion, deliberation, and possible decision on labor negotiations, issues, and other personnel matters.

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Commissioner Winsor stated that there was a conversation about the labor negotiations with the Sheriff's Deputy's Association. They will discuss this more at the next meeting at the next special meeting on 09/01 at 12 noon.

26. **\*FOR POSSIBLE ACTION** – Recess meeting, pursuant to NRS 241.015(2)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation.

Commissioner Keyes made the motion to go into recess. Commissioner Hipp seconded the motion. All in favor: Motion carried.

Back to Order.

27. **\*FOR POSSIBLE ACTION** – Discussion, deliberation and possible decision on conference with legal counsel regarding potential or current litigation presented in recessed meeting.

Commissioner Winsor stated that they discussed some properties that they tried to obtain before at the bottom of the courthouse to get a secure place for the deputies to bring prisoners in.

28. **PUBLIC COMMENT.** (Discussion only. Action may not be taken on any matter brought up under this agenda item. It must be placed on an agenda, at a later meeting for action.)

Commissioner Hipp asked about supporting documentation for meeting. He said that Michelle decided that she is no longer responsible for the supporting documentation; so, when he got the email, there was no supporting documentation with the agenda. He said he doesn't know why this was changed and he doesn't know who made the decision. He said he is getting complaints from the public who are on the distribution for the agenda. Cheri asked if Commissioner Hipp wanted her to bring Michelle into the meeting. Commissioner Keyes suggested that he speak with her outside the meeting because they could not make a decision in public comment and they are very limited on what they could do. Commissioner Hipp wanted to get Michelle into the meeting.

LaCinda and Michelle came into the meeting. Commissioner Hipp asked LaCinda why there was no backup documentation with the agendas. He said he had people contacting him asking where the backup was. He said it was never decided, it was never discussed. LaCinda said that part of the Clerk's job is to make sure the agenda is always available to the public. And then, any information that is given to the Commissioners is now responsible for the commissioners to give to the general public also. That is the reason we had a hiccup. Mr. Glennen said that, as a legal matter, the County has to provide, upon request, to a member of the public, the agenda and the backup that is given to the county. If people internally decide who does that, that is an internal matter.

Commissioner Hipp asked if it was going to go back to the way it was before. Maureen said Ellen couldn't get it either. She got it 24 hours later, because it was so large.

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Michelle said that she previously did not produce the commissioner packets at all, but one of the admin assistants stopped doing them so she started doing them to help out. She stated she no longer has time to do them with all the different responsibilities she has. Commissioner Hipp said it was wrong to change because it was never discussed. LaCinda said that part of the problem is that people are not using the .org email that was assigned to each employee.

LaCinda said we are trying to get policies set so things like this do not happen. We have always tried to help the commissioners' office. Commissioner Hipp asked what is going to happen moving forward. LaCinda said her office will be responsible for getting the agendas out and the Admin Assistant will be responsible for getting the agenda packet with the backup to the commissioners and the public. Commissioner Hipp said that is going to be really messy because now we have to worry about two separate emails and he has to worry about and how does he know if Michelle even has his agenda item and Maureen is sending out supporting documentation and it may not even be an agenda item. So now we are waiting for 2 separate emails, one with the agenda and one with a bunch of random supporting documentation. Michelle said it is not random by any stretch; it goes with the agenda item and it goes with the agenda. Maureen should be making a copy for each of the commissioners and one for the public to view.

LaCinda will put this on a future agenda. We already have D.A. opinions that we can rely on, we have an open meeting law that gives excellent examples; so, we will do that.

Commissioner Hipp asked if Maureen will be expected to do the supporting documentation. LaCinda said if her email is working that would be a great idea. Maureen said it is already fixed. LaCinda said that is great.

### **29. \*ADJOURNMENT:**

Commissioner Keyes made the motion to adjourn. Commissioner Hipp seconded the motion. All in favor: Motion carried.