

Minutes from the October 06, 2020 Commission Meeting

October 06, 2020

1:00PM

Esmeralda County Courthouse

Commission Chambers

233 Crook Ave., 2nd 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

LaCinda Elgan - 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.)

Cheri Bickham brought forward concerns of the water quality in Goldfield and requested an agenda item for a report.

Meghan Kelly made comment about water quality and provide a sample of her water

3. ***RECESS TO ESMERALDA COUNTY BOARD OF HIGHWAY COMMISSION:**

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

4. ***APPROVAL OF EXPENDITURES.**

Batch 1: \$49,349.12

Batch 2: \$3,748.81

Utility: \$8,041.35

Payroll: \$76,927.83

Total: \$138,067.11

Commissioner Winsor motioned to accept expenditures. Commissioner Hipp seconded the motion. All in favor: Motion carried.

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

None.

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6. ***APPROVAL OF MINUTES** from the August 18 meeting of the Esmeralda County Board of County Commissioners.

Michelle Garcia stated that there was a change to the minutes. She provided written verification.

Commissioner Keyes motion to add changes in accepted minutes. Commissioner Hipp seconded the motion. All in favor: Motion carried.

7. **UPDATE OF CURRENT AND FUTURE MEETINGS AND ACTIVITIES OF:**

Robert Glennen – District Attorney - nothing

Ken Elgan – Sheriff – not present

LaCinda Elgan – Clerk/Treasurer - nothing

Ruth Lee – Assessor – not present

Vera Boyer – Auditor/Recorder - nothing

Mike Anderson – Goldfield Utilities/Es. Co. Public Works Supervisor

Goldfield Utilities:

- The pumps and dispensers have been ordered for the upgrade for the Silver Peak and Dyer Fuel locations. They are expecting the pumps to ship 3-4 weeks and the dispensers to ship 5-6 weeks. We will keep an update once the pumps and dispensers have been shipped and when they are received.
- Emory has been working on the breakdown/pumping stats on a spreadsheet for Dwight Smith's request for our Klondike Wells.
- We had Steve LaVoye from Layne come in and do a filter inspection at the Goldfield Treatment Water Plant, which the filter inspection went well, in summary the system operating properly according to original design after super chlorination was performed on media as previously discussed. Based on communication with operator's treatment is working well now and follow-up will be provided to remotely update the program to account for the rinse to waste and sludge pump operational issues.
- Worked on Utility work orders from Clerk's office for customers that wanted their water on or off.
- William Bailes will be attending waste water classes this week in Tonopah.
- We have a walk thru on September 23rd, 2020 for the generator project which we are looking forward to see who all comes out to look at this project.
- Emory and Mike went over to Tonopah to check out to see how the radio reads work since Tonopah Utility has upgraded their system those now

General Maintenance:

- Doing daily cleaning at the rest area for the restrooms.
- Maintaining the pulling weeks at the Sewer Ponds, Klondike Wells.
- Fixed a flat tire out at Silver Peak.

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- Went to Pahrump to pick up Michael Anderson's County Truck, now it is back to working correctly.
- Fixed the air conditional in the Utility Office, it had calcium build-up, which caused the aid conditional to not work properly.
- Worked at the cemetery by putting up the sign, digging out bowls around the trees so they can get more water and have been watering the trees at the cemetery as well.
- The office got new internet service; we have switched from Choice Wireless to Valley Communications, which is much faster.
- Moved boxes from the Clerk's office to our office into the middle room.
- Worked on Maintenance work orders that were received from the Clerk's office.
- Helped Maureen unload commodities off the truck.
- William Bailes has been helping Road Department move the old highway.

Update Information:

- On September 18, 2020 we hired Glen Toner to replace Lori Anderson, so he will be working with her to learn the job that she does and we look forward to having him with us.
- Flag pole is fixed and the flag is up at the Goldfield park.
- Lori Anderson's last day with the County is October 1, 2020. Our office had a pleasure working with her all these years and she will be missed greatly.

Mr. Anderson addressed the conditions of the water problems stated in public comment. States there will be a meeting on the 23rd October State Engineer will hold public hearing. He recommends all commissioners attend. 9 am.

Deven Thackeray – Solid Waste Supervisor
October 6th, 2020

Rick's doing well at solid waste, we're moving forward. He's transitioning well into his job and getting the dump cleaned up as need be.

We'll need to transition out there pretty soon and start digging another hole for a new cell and extend the fence as I previously talked about. S & A Recycling will be out in about a month to do the white goods at the landfill.

Maureen Glennen – Commissioners' Administrative Assistant

Natalie Colunga completed updates on drug testing lists and letter-head.
Commodities update. New brochure for senior transportation. New driver added. all given vehicles are equipped and updated all drivers re-trained for yearly. Thanks to all help to them.

Sylvia Rich – Public Administrator – not present
Robert Glennen – Public Guardian - nothing

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Esmeralda County Land Use Advisory Committee – nothing.
Kenneth Elgan – DEM Coordinator – not present
Fish Lake Valley Park Board –

Commissioner Keyes said the board is working on updating their bylaws and use policy for their buildings. Meeting next week.

Esmeralda County Library Board – nothing.

Michelle Garcia just wanted to say that she passed her aPHR exam. She is now an Associate Professional in Human Resources.

19. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION: TIMED ITEM 1:45 PM: (NO ACTION TO BE TAKEN)** Open and read aloud bids received for the Esmeralda County Generator Project. (Michael Anderson)

2 bids received.

1. Lakeland Electric
 - a. Addendum Acknowledged? Yes
 - b. Base Bid Price: \$199,150.00
 - c. Alternate A1 bid \$8,450.00
 - d. Bid Signed? Later
 - e. CDBG Forms
 - f. Duns Number

2. Creekside electric
 - a. Addendum Acknowledged? Yes
 - b. Base Bid Price: \$273,820.00
 - c. Alternate A1 bid: \$21,280.00
 - d. Bid Signed? Yes
 - e. CDBG Forms
 - f. Duns Number

21. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION: TIMED ITEM 2:00 PM:** Public hearing to discuss any comments received on potential applications for funding under Community Development Block Grant FY21 and **approve and rank applications to be submitted to the Governor's Office on Economic Development.** (Maureen Glennen)

Maureen Glennen 2 projects pending for the CDBG grant. 1 Generator project phase 2. Fiber Optics project. Maureen hasn't been able to get any input for what we want for the fiber optics. We need to make a decision on that today and make it final. Tele-communication is covered under the CDBG grant so we don't have to have it on this one. Commissioner Keyes

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states that Fish Lake Valley does not have fiber optics. FLV will probably not get it. Fiber Optics will not benefit FLV or Silver Peak. Goldfield would benefit. Keep on wish list for future. Need in ambulance barn, Generator project is still going ahead as scheduled starting phase 2. Maureen Glennen asked for Public Comment. Mike Anderson thinks the phase 2 is very important. Thinks it should be a number 1 project. Commissioner Keyes agrees that the generator project is important for fire Departments for water. Ralph Keyes would like to keep this fiber optics on our wish list. Paul Miller with Southwest Regional Economic Authority suggested that we put fiber optics in a plan and a study for the future.

Susan Dudley explained the parts of the grant for each generator. She states that we will have extra funds left over from the phase 1 grant maybe we can outfit other buildings we cannot outfit the Court House as it is an operational building. and she will see if that can be written in to the next grant. She spoke with someone and is pretty sure we will get phase 2 as this person knows how dire Esmeralda county is. Mike Anderson is going to get a quote from valley Communication to see how much it will cost for the phone to be on fiber optics for the EOC.

Commissioner Hipp Motions that we move forward with the generator project as our CDBG application for FY2021. Keyes seconded the motion. All in favor: Motion carried.

Paul Miller suggested that we put fiber optics in a plan for the future.

25. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Presentation on NRS 527.050 and NRS 527.060-527.300 and accompanying NAC regarding the State of Nevada's roles in protection of preservation of timbered lands, trees and flora. Discussion on the process of assessing whether these protections are warranted for Tiehm buckwheat. (Kacey KC, State Forester Fire warden and John Christopherson, Deputy Administrator – Nevada Division of Forestry)

Presentation given by KC Kacey of the Forestry Service on Tiehm's Buckwheat. Ms. Kacey passed out statute and NRS's to board Members. She verified what makes a subject endangered. She stated that they followed procedure to list this plant as a plant to watch. They sent out mailing to the community for input. Deven Thackery posed the question asking if they were going to have a town hall meeting in Fish Lake Valley.

Commissioner Hipp worries that not enough citizens have been asked to contribute opinion towards the issue. Matt Weaver states there will be a delay in loneer starting business due to NEEPA. Commissioner Winsor asks how long will all this take? Our biggest concern is when will the mine open. Kacey states that there were scientist form California and Wisconsin to tour the property. Deven reiterates that we need a town hall meeting because the citizens might be able to show you where this buckwheat grows in other places. John Christopherson states this plant only lives within 10 acres and nowhere else on the planet. Commissioner Hip asks if you list this plant then what? How much land restricted, are you going restrict passage through this area. Are you going to fence the area and assign a patrol officer? Who is going to pay for this? This has a huge impact to all of is not just the mines. Kacey, closures and restrictions they have not

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discussed this yet. Kacey states that if needed funding will be provided for security of plant (BLM). They look into problems that are caused by human interference to help save the plant. Assures us that they will be communicating better with us.

24. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Approve attached resolution in support of a development on the Lambertucci Property on the North side of Tonopah. (Michael Lach/Manager)

Michael Lach is trying to stay proactive. He is letting the commissioners know what he is doing and looking to do. Mr. Lach is looking to help Esmeralda County by providing more tax moneys to the county with his business. Commissioner Winsor asked after reading his letter that he was having trouble with the guy that owns the mineral rights on the property. Commissioner Winsor notices quite a few open pits also on the property. Mr. Lach understands what they need to do to get started on this project for a Travel Plaza. He also states that this Travel Plaza will be rather large. He is asking for a letter of support.

Bruce Jabbour expressed that the Esmeralda Economic development also supports this project. He wanted to remind us of the revenue that would be generated from this project. Mike Anderson posed the question to Mr. Lach” Do you already have water and sewer on the property?” They know about the regulation the chain knows what needs to be done.

Commissioner Keyes Made a motion to approve the resolution in support as the board of County Commissioners to the Travel Stop owned by North Tonopah Development and Michael Lach is the representative as written.

Commissioner Hipp seconded that motion. All in favor. Motion carried.

Mr. Lach states that there is an AT&T depot near his property with plenty of fiber optic. And if Esmeralda County ever needs access on his land for a tower to beam internet service to Silver Peak. He is offering it.

15. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Decide on raise amounts for county employees not in an agreement, not to exceed \$2.00 per hour. The employees will have to have passed the probation period or a satisfactory evaluation to receive the raise. (Vera Boyer)

Item 17 open as well:

17. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** To allow Dept. Heads of Goldfield Utilities, General Maintenance, Silver Peak Town Water and Solid Waste Depts. To give pay increases to dept. employees up to but not to exceed \$2.00 per hour or something less at dept. heads discretion to employees that have passed probationary period or after they pass and have received satisfactory evaluation. (Michael Anderson)

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Also includes 5, 6 & 7 on Road Dept. agenda.

Vera stated that they already have this in the budget and they are just moving forward with it.

Deven Thackeray came up and said as the commissioners know it is the same deal as what Vera is talking about and this to allow Dept. Heads of the Road department to give pay increases up to but not to exceed \$2.00 per hour or something less at dept. heads discretion to employees that have passed probationary period or after they pass and have received satisfactory job evaluation. He said he wanted to remind the commissioners that it is in his budget; the \$2.00 raise is in his budget as approved to the Board of Taxation for 2021, and he asks that the commissioners approve these.

Commissioner Winsor said we still have litigation with the Union with the Road department. Michelle asked if this would not, then, include the union employees. Robert Glennen stated the commissioners can choose to have it include or not include the union employees. It is just that, at some point in the future the court or the Employee Management Relations Board might force us to reopen what we've done one way or the other, but the commissioners can do either way. Commissioner Hipp said one would think that if you don't include those with a card that it would amplify the situation. It would be in the best interest of the county to treat everyone as equally as possible. Mr. Glennen that would be a sound political decision.

Deven said, for the record, as you can see in his backup included, in his calculated 20/21 yearly salary, with raises, you can see, his budget, if you go down to road you can see that was approved for \$345,888.36 and that was all-inclusive for the raises. He said he will say that he does have 4 probationary employees at the current time and as it is worded on the agenda it is "with satisfactory evaluations and something up to" at the department head's discretion, which is key. So, it's what it should be; it's incentive, hard work pays off and its incentive for people to do well here.

Commissioner Keyes wanted to have Deven clarify something. He said on the agenda item 6 on the Highway Commission he read the whole item: To allow department head of Road Dept. to give pay increases up to, but not to exceed, \$2.00 per hour or something less at dept. head discretion to employees that have passed probationary period or after they pass and received a satisfactory evaluation. He said he doesn't agree with that. He said it should be AND after they have passed probationary period, not OR. Deven said ok. Michelle said she believes that employees have to have passed their probationary period before they get a raise. Commissioner Keyes said he wanted to make sure that gets corrected. Deven said he doesn't have a problem with that. He asked Mike Anderson if he wanted to get up and say something.

Mike Anderson came up and said he just wants to see everyone treated fairly. He has never thought it was right that the commissioners just blank gave everybody raises in the first place. He thinks that should be at the discretion of the department head, but as long as we are doing it even-handedly and fairly, but he thinks the way he tried to word it was that it would be up to

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the discretion of the department head if you got a raise and at what amount it would be. Commissioner Keyes said yes, based on his evaluation of his employee, if they are doing a great job, they should be whatever raise you feel they deserve, the maximum and if they have been showing up late or doing silly stuff then they get something less, based on your evaluation.

Commissioner Winsor said we had done it the other way in the past because the wages were low enough that we wanted to raise everybody up. So, we did raises across the board. Commissioner Keyes said right, but this gives them the flexibility.

Michelle asked, if the supervisors are not going to give equal raises to everybody, are the supervisors doing evaluations? Commissioner Keyes said we have to have documentation of the evaluations. Michelle said that since she has been here everyone has just been given raises. There have been no raises based on evaluations. Mike Anderson said they do evaluations per the county policy twice a year. He said they have them documented. He also said they are asking for a whole lot less money than the Sheriff's Department got and he just thinks that, like Bob said, that we want to keep things on an even keel. Commissioner Keyes said the Sheriff's office did not get the raise that people got last year. Mike said that they did not get left out in the cold and they give the commissioners a haymaker this time, didn't they?

Commissioner Keyes said we are all underpaid, he agrees. If we can do something to help our employees, he thinks that's very important; if we can digest it and not break the county. We have been living off of net proceeds and have gotten some really big net proceeds in the last couple of years, which have really helped, but we can't rely on that. Now that the state has gone after the mines to supplement their income it has had a detrimental effect on some of the mining companies so they are going to show less profit because they are going to have to pay less taxes.

Commissioner Keyes said he always looks at the ending fund balance for the year. He said we always do a good job at not spending all of the budget at the end of the year and that is much appreciated.

Motion made by Commissioner Hipp to raise the minimal amount of rate of pay for full time and part time employee's \$1.00 per hour in addition allow for an additional \$1.00 per hour raise based on Department head evaluations. This would be effective 09/27/2020. This cannot exceed \$2.00 in total. The money would be coming from the salary and wages from each Department. This is for Silver Peak Town Water and Solid Waste Depts, Road Departments. Employees must pass probation to receive any additional raise. Commissioner Keyes seconded the motion. All in favor: Motion carried.

12. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Interview candidate for Grant Administrator and discuss/decide to hire. (Commissioner Hipp)

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Tony Moreno gave an explanation of his References. 15 yrs. consulting experience for rural counties. Had his own consulting company. He was a commissioner also. Respects our commissioners. Wants two documents signed. One that he is hired and jokingly wants a fired form too because Susan Dudley is very good at what she does. He further discusses a few problems he sees. States he is good at networking. Good at time management. Commissioner Winsor asks what part of California is he from. He states southern California near the Riverside area. Commissioner Winsor states that we would do a lot of meeting over the internet. Commissioner Hipp thinks he will be a great fit. Mr. Moreno would like to contract his wages as follows: due to constraints of CDBG he would get paid a base salary for those type of grants. Other grants that he would go for he would expect a percentage of the money that was given in the grant. This would make him only work for grants that he was sure that we would get. It also serves him in making him go for more grants. He states he can be a project manager. Commissioner Hipp and Keyes spoke about the CEDS. Commissioner Hipp wants to give a verbal agreement for employment @ \$50,000.00 base pay. With percentages on future grants. Written agreement of employment at a later time but before next commissioner meeting. Mike Anderson states he believes we need to give him a clear scope of work expected of him.

To be on the next agenda per Bob Glennen

Commissioner Hipp motions that we take a five-minute break. Commissioner Winsor seconded that motion. All in favor: Motion carried.

19. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discussion/Decision and approval of amended water reservation agreement between Gemfield Resources, LLC and Esmeralda County and amendment to development agreement also between Gemfield Resources, LLC and Esmeralda County to reflect only change of including the exhibit of amended water reservation agreement. (Michael Anderson)

Mike Anderson Read a report on 4 wells. Report Attached.

Motion by Commissioner Hipp to approve the amended water reservation agreement between Gemfield Resources, LLC and Esmeralda County and amendment to development agreement also between Gemfield Resources, LLC and Esmeralda County to reflect only change of including the exhibit of amended water reservation agreement.

Commissioner Keyes Seconded the motion. All in Favor: Motion carried.

22. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discussion/Decision and Approval of Esmeralda County 2021 Annual Housing and Community Needs Development Statement required by Community Development Block Grant Program. (Maureen Glennen)

Maureen Glennen updated CDBG grant. Needs info from Commissioner Winsor and Keyes. Commissioner Keyes suggests adding the fiber optic back on.

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Commissioner Hipp motions to Approve of Esmeralda County 2021 Annual Housing and Community Needs Development Statement required by Community Development Block Grant Program. With the additions. Keyes seconded the motion. All in favor: Motion carried.

23. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Approve and sign Letter of Commitment to Nye County Manager, Tim Sutton, for the Rural Desert Southwest Brownfields Coalition Assessment Grant discussed and approved at the BOCC meeting of 9/15/2020. (Maureen Glennen)

Commissioner Winsor motion to Approve and sign Letter of Commitment to Nye County Manager, Tim Sutton, for the Rural Desert Southwest Brownfields Coalition Assessment Grant discussed and approved at the BOCC meeting of 9/15/2020. Commissioner Hipp seconded the motion. All in favor: Motion carried.

14. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Approval to submit grant application to USDA community facility grant program for the project of freezer and refrigeration in Fish Lake Valley to store commodities, to be funded in part with this grant if awarded in the amount of \$3,000 and \$2,700 to be paid from Capital Projects as approved in the FY21 budget. (Commissioner Keyes)

Commissioner Keyes states that we need these to keep food from spoiling.

Motion by Commissioner Keyes to Approve to submit grant application to USDA community facility grant program for the project of freezer and refrigeration in Fish Lake Valley to store commodities, to be funded in part with this grant if awarded in the amount of \$3,000 and \$2,700 to be paid from Capital Projects as approved in the FY21 budget. Commissioner Hipp seconded this motion. All in favor: Motion carried.

13. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss/Decide where CARES funds may be spent. (Commissioner Hipp)

Vera Boyer Submitted a request for a Lucas Chest Compression System cost \$18,153.77. Commissioner Keyes states cares act can be used for Sheriffs wages.

Motion by Commissioner Hipp to direct Vera Boyer to purchase chest compression unit up to \$18,153.77 and any remaining funds should be spent on Deputies' and Dispatchers' salaries. Commissioner Keyes seconded the motion. All in Favor: Motion carried.

11. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss/Decide why the 5-cent diesel tax question was not on the election ballot and determine/decide if anything can be done to add it. (Commissioner Hipp)

Robert Glennen gave legal advice. Recommends using and Ordinance to pass diesel tax.

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Motion by Commissioner Hipp move to instruct Bob Glennen to enter an agenda item for the next meeting and start the process of creating a diesel tax ordinance for increasing the diesel tax to \$0.05 (5 cents). Commissioner Keyes seconded this motion. All in favor: Motion carried.

10. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss/Decide to apply for the Travel Nevada Tourism Grant. (Commissioner Hipp)

Commissioner Hipp made the motion to apply for the Travel Nevada Tourism Grant. Commissioner Keyes seconded this motion. All in favor: Motion carried.

9. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss/Decide to form a housing board to work with incoming mines. (Commissioner Hipp)

Tim Hipp would like to form a Board and involve Paul Miller and reach out to State and Rural housing Authority to help out. He would like to have on representative from each community.

Commissioner Hipp made the motion that we form a Housing Advisory committee that would work with incoming businesses and their housing needs. The committee would not have any power. They would provide information to the Commissioners who would make the decisions. Commissioner Keyes seconded the motion. All in favor: Motion carried.

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: Commissioner Winsor stated there is town meeting in Gold Point on Sunday, October 11 at 11am.

Commissioner Keyes: Commissioner Keyes said the Division of Water Resources is doing a designation of basin. We need to watch this. They want to take irrigation rights away. There are a few meetings coming up and the soonest one is October 23 at 9:00am.

Commissioner Keyes said he was out in the town and a Census worker tracked him down because they could not find 50 places out there in Fish Lake Valley. States we need address system for census. The Census people are going off Google Map. Commissioner Keyes helped Census worker and hopes that we get more of an accurate count.

Commissioner Keyes said Valley Electric is trying to redistrict FLV and there is a group called Members for Change and they are out of Pahrump. They don't like what has happened to Valley Electric over the past few years. Cathy Keyes has a town hall meeting next week in FLV to rally all the troops. It will be Monday October 12, 2020 at 5pm. A Person from Member for a change is scheduled to show up to this meeting. They are trying to take FLV's voice away.

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Stuart Pringle emailed Commissioner Keyes. He a resident of FLV. He has the Global Stewardship Foundation Donation and he offered to donate it to the County. He is 80 years old and it is a non-profit educational. Commissioner Keyes states that he has a meeting with him this week. He wants to donate his estate to the county for educational purposes. He values his Estate at \$800,000.00.

Commissioner Hipp: Commissioner Hipp said he sat through a e-hour Travel Nevada seminar.

26. ***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.

Michelle Garcia asked about the contract for Mr. Moreno and when that contract would be presented.

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

Commissioner Winsor stated that they discussed the payment to the grant writer.

28. ***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.

Bob Glennen stated I have to tell you I already told you what I thought regarding the case then I'd like to tell you I can do it in public because it's a public matter. We got sued by the Union again for not negotiating while we were waiting for the judge's decision. They decided not to tell us. They decided to sue us for that. Judge Lane is still deciding if he is going to bring that case to the supreme court. Bob Glennen thinks this could be solved in a public meeting.

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

We discussed was basically labor negotiation with the union with the Road Department and the Utilities so that was covered there.

30. **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.)

Mike Anderson is going to have some people come in and look at the treatment plant. He said he is going to have some experts coming in. The state guy has offered to come and look it over. If things need to be done, we will have to do it; we don't have a choice and this will come out of the water budget and not out of the general fund. It would be nice if we didn't have as much Arsenic in the water. But it is better than what used to be in it. Mike Anderson does send out

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water samples all the time for testing. We do follow procedure and send samples once a month for testing. Hopefully with him purging the system it will take away a lot of the sediments that are caused from all the haul water use.

31. ***ADJOURNMENT:**

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