

Monday, October 5, 2009

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, October 5, 2009, at 9:00 a.m. in the regular place of meeting at the Courthouse, Winnemucca, Nevada. Those present were Chairman Tom Fransway, Commissioners Chuck Giordano, Dan Cassinelli, Garley Amos Jr. and Mike Bell, Deputy District Attorney Angie Elquist, Administrator Bill Deist and Clerk of the Board Tami Rae Spero.

DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES: SEPTEMBER 21, 2009: Chairman Fransway stated that the Clerk had informed the Board that the minutes for the September 21, 2009 meeting were not ready and would be presented at the October 19th meeting.

PUBLIC COMMENTS: John Siegfried offered comment including an overview of his educational and business experience including his work with hazardous materials, his concern about misinformation going around the community about the landfill noting his feelings that much of it is propaganda and politically based, that some of the information is coming from outside sources and he commented that he would prefer that Humboldt County's officials make the decision based on fact not fiction and that the emotion and politics be taken out of the decision; he commented on Senator Reid's legislation and opposition to those actions, his concern about the dissension and conflict between the City and County regarding the issue and closed by asking that decisions be based on fact not fiction, all input, that is good for all citizens in the County, do not make decision based on what is politically expedient but is what is good for the County. No further public comment offered.

ADMINISTRATIVE REPORT:

CONSENT AGENDA: The following items were presented under the consent agenda by Administrator Deist for the Board's review/action:

1. **Request for Adjustment to the Humboldt County Real Property Tax Roll:** Requests 09-10-22 and 09-10-23 were provided to the Board for review. *Recommendation: That the requests be approved as recommended by the Assessor and the Treasurer.*
2. **Approval of Budget Amendment for Star City CDBG Grant:** Copies of a letter from Chairman Fransway to Des Craig of the Commission on Economic Development-CDBG, explaining the amendment, the old budget and the new budget were provided to the Board for review.

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Recommendation: That the budget amendment be approved.

3. Approval of the CDBG Quarterly Report: A copy of the quarterly report for review at the meeting was provided to the Board. *Recommendation: That the report be approved and the Chairman authorized to sign.*

The following motion was made by Commissioner Giordano and passed unanimously:

To approve the Consent Agenda as presented.

SOLID WASTE MATTERS: Administrator Deist stated that he had nothing on this item.

PUBLIC LANDS PLANNING MATTERS & FORMULATION OF COUNTY POSITION ON BLM, FOREST SERVICE AND THE FEDERAL FISH AND WILDLIFE SERVICE

PROPOSED ACTIONS: Administrator Deist stated that he had nothing on this item.

MISCELLANEOUS REPORTS AND CORRESPONDENCE:

OTHER INFORMATION AND UPCOMING MEETINGS: Administrator Deist informed the Board that the Hospital had notified the Commission of the vacancy which occurred on the Hospital Board due to the death of John Russum; that the position has been advertised and the applicants will be brought before the Commission at the second meeting of the month; he stated that at the second meeting of November the President and Executive Director of NACO will address the Commission. In reviewing the upcoming meetings and dates of importance, the Administrator Deist noted that RESPECT day is October 10th and that he had received an email Friday morning from RESPECT requesting time on the agenda to request assistance with picking up the trash that is collected that day; he noted that it was too late to put them on today's agenda and stated that unless directed otherwise he would handle the matter administratively working with the Road Superintendent to take care of getting equipment out to handle it.

REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND

COMMITTEES THEY SERVE ON: Chairman Fransway commented on a letter received which indicated that Coeur Rochester is a step closer to re-opening as the BLM had decided to go forward with an EA rather than an EIS. Commissioner Giordano commented on the cost of the hospital and running it including the cost of a new MRI and liability insurance. Commissioner Giordano read a statement (see attached) regarding the conduct of the Chairman at recent meetings citing Roberts Rules of Order and comments received from the community regarding their concerns about the order

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of the meetings. Following the statement Commissioner Giordano stated that as there are four meetings left under the current chairmanship, if the Chairman is willing to conduct those meetings under the guidelines of Roberts Rules of Order he would not have a problem from this point forward as long as those guidelines are followed; he stated that he had spoken to people directly related to the City Council and they do not want to hold another meeting with the Commission under this relationship, he noted that the relationship between the County and City had been worked on for years to make happen and it is falling apart quickly and stated that is why he has made this statement and he strongly believes in it. Chairman Fransway responded noting that he has served as Chairman four times over his stint on this body, that there have been very contentious issues in the past and that if the Chairman must step up to control order then he believes that is his duty to do so, when he sees a meeting taking a wrong turn he will do what he can to get it back on track, when he sees that there are indications that animosity is happening from either side of the table he will step in to do what he needs to do to bring it back; he responded to Commissioner Giordano's statement that he is conducting the meeting for personal or political gain noting that he took great offense to that as he has no gain to come his way on this and that he was re-elected to the County Commission and he intends to fill the four years and he has no intention of doing anything else. Chairman Fransway stated he would not apologize for the way the meeting was conducted because of some of the things which were said at the previous meeting which, if he would have been on the ball, he would have taken care of and he wasn't going to let that happen again, that this is an emotional issue and he will not take part in any way in silencing the public that the Commission is here to represent; he will do the best he can to contain those meetings and that he has all due respect for the Commission's counterparts on the City level. Commissioner Giordano responded stating that the public has every right to come up here and voice their opinions, that is healthy government but as Commissioners they have the right when they have the floor to finish what they are saying and he could think of at least two instances where they were cut off in the middle of the conversation; he pointed out that comments against the landfill were allowed to finish while comments not opposing it were cut off and noted that he does not believe the Commission has been effective because they have not been able to sit down and discuss it between themselves to get the ball rolling and that as a Commission they must be open minded and listen to the public and to themselves to make a good decision but

that hasn't taken place and that is not healthy government. Chairman Fransway stated that he has been open minded and that he has made the decision that it is not for Humboldt County and that is his prerogative and it is his prerogative to allow his constituency to know where he stands, he has done a lot of homework on the issue. Commissioner Giordano stated that the rest of the Commission had too. Chairman Fransway stated then they need to make a decision, are they for it or against it. Commissioner Giordano stated that there needed to be an agendized meeting to discuss the issue, that a decision cannot be made right now and that he was not going to make a decision for or against because we have not got to that point yet. Chairman Fransway suggested the matter be agendized at the next meeting so that the Commission can take a position on this and go forward from there. Commissioner Giordano agreed but noted that while not counting the public out, if that occurs when there is a lot of public comment, the Commission is not effectively going anywhere with it; he noted an issue with the public clapping every time the Chairman says something they like and that is something that needs to be set forth by the Chairman, that just as he (Commissioner Giordano) as Commissioner shows respect by listening to everything people say so to should they show respect when the Commissioners are speaking and that has not been taking place lately. Commissioner Bell agreed with Commissioner Giordano and noted that he did not believe the Commission could have a healthy conversation or meeting when they have a partisan Chair that says "I am against this thing"; he noted that he had been in classes with a foremost leading expert in boards and when a board makes a decision that is a board decision and while he does not disagree that a person can have their own opinion, when that opinion is brought before this board then you are no longer neutral on the issue and that absolutely disrupts the process of what the Commission is trying to do here as there are many more issues with this landfill besides "we don't want it" including legal ramifications. Commissioner Bell also stated his agreement with Commissioner Giordano that the Commission cannot make a decision for or against until the Commission has everything in front of them; he noted that he has researched the issue for hours and stated that he thinks the Commission must be fair and that he did not believe another meeting regarding the landfill can be held with the current Chair, that the Vice-Chair should conduct the meetings when they deal with landfill issues so that the meeting can be constructive and not tear the Board apart; he commented on his concerns with what had occurred at the joint meeting with the City and as a

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Commissioner apologized to the City Council for what had happened and agreed with Commissioner Giordano that meetings should be conducted per Roberts Rules of Order. Commissioner Amos stated that he concurs with Commissioner Giordano and that he feels the Board is lacking professionalism and competence right now in conducting their meetings and that the Commission needs to get back on line and put the meetings in proper order and perspective; that the Commission is not currently serving the public, the constituents right now the way they should be served. Commissioner Cassinelli agreed and noted that there has not been a chance for anything good about the landfill to be presented; he commented on the need to explore the amounts that could be received and discuss with the City what improvements could be made with any money received; he continued commenting on the need to look at all sides of the issue. Chairman Fransway asked if the Board wished to take action regarding the Chair. Commissioner Giordano stated that as only four meetings are left if good, normal, productive meetings can be conducted he won't say anymore. Commissioner Bell agreed.

CLAIMS FOR EXPENDITURES OF COUNTY FUNDS: The following motion was made by Commissioner Amos and passed unanimously:

To approve the expenditures.

REQUEST FOR WAIVER TO THE ATTRITION POLICY FOR AN UPCOMING VACANCY IN THE SHERIFF'S OFFICE PATROL DIVISION FOR A RESIDENT DEPUTY IN MCDERMITT: Sheriff Ed Kilgore appeared before the Board. Sheriff Kilgore stated that Deputy Mike Bunch is set to retire October 21, 2009 and spoke in support of the request for waiver of the attrition policy. After discussion the following motion was made by Commissioner Giordano and passed unanimously:

To waive the attrition policy for an upcoming vacancy in the Sheriff's Office Patrol

Division for a resident deputy in McDermitt.

REQUEST TO SUPPORT REVERSAL OF THE PUBLIC UTILITIES COMMISSION (PUC) DECISION TO IMPLEMENT THE IS-2 TARIFF THAT REQUIRES INTERRUPTED SERVICE FOR AGRICULTURAL IRRIGATORS: Provided to the Board for review were a copy of a letter from Winnemucca Farms Inc. To Chairman JoAnn P. Kelly of the Public Utilities Commission and a letter from Nevada First Corporation to Administrator Deist supporting Mr.

Routson's request. Sam Routson of Winnemucca Farms Inc. appeared before the Board. Mr. Routson detailed AB 144 which passed during the 2007 State Legislative Session which includes language for interrupted service; he discussed the issues this would create for Winnemucca Farms and other agricultural businesses; he asked that the Humboldt County Commission also join with producers, ranchers and other surrounding counties in a letter to the PUC pointing out the opposition to continuing this policy of mandated interruption with a penalty of 32-cents a kilowatt. Discussion occurred regarding the legislation. Chairman Fransway suggested that any letter written be provided to other folks as well such as the Governor; he commented that the legislation is contrary to agriculture and suggested that perhaps the AG should be asked to look at it. Mr. Routson confirmed that contact had been made with the Governor, Assemblyman Goicoechea, other rural representatives, the Nevada Farm Bureau and others regarding the issue; he noted the December meeting of the PUC will be the most opportune time for a reversal of the decision. Discussion occurred regarding possible effects on the economy, effects on flood and pivot type of irrigations, costs difference between Harney Electric and NV Energy, the impact on Lander County and Antelope Valley, the impact of interrupted irrigation on crops and the effect on food production. After discussion the following motion was made by Commissioner Giordano and passed unanimously:

That the Commissioners are in favor of doing as much as they possibly can towards this and having Sam and Bill work together on what they think would be an effective letter to send to any involved parties to inform them of the Commission's thoughts and what the Commission wants them to do with it.

DISCUSSION REGARDING THE REPAIR OR REPLACEMENT OF THE STAFF

VEHICLE (2005 EXPEDITION): A copy of a memo from the County Administrator detailing the issue and a memo from the County Road Department setting forth the options and costs for repair were provided to the Board for review. Administrator Deist explained that recently the Ford Expedition, which is used by all Departments, developed some major mechanical issues, that the vehicle has over 80,000 miles on it at this time and has saved the County considerable expense since it was put into use, that the vehicle is receiving a great deal of use by the employees and per the contracts the County is to provide a vehicle if possible. Administrator Deist noted that he was not

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sure the County needed this big of vehicle if the choice would be to replace it, as a smaller vehicle would get better gas mileage and thus generate further savings. Road Superintendent Garrett appeared before the Board and discussed the problems with the vehicle; he placed the vehicles value at between \$9,200.00 and \$13,700.00 and the estimated cost for the repair AT \$7,000.00. Chairman Fransway commented on the value of the vehicle per Delong Ford and his concerns about getting rid of it. Discussion occurred regarding the warranty on a new engine, the life of the vehicle with a new engine and the possible need to put in a new transmission in the future and the cost. Commissioner Giordano commented that while he is not an advocate of getting rid of a vehicle at only 80,000 miles, this has been a problem vehicle and by the time you put everything into it, it would still be a used vehicle; he suggested looking at alternatives. Commissioner Bell commented on the ability to auction the vehicle and suggested that a minivan be looked at as it can hold a lot of people but if there are only a couple using it, it is economical to run. Commissioner Cassinelli stated that the vehicle should be kept and repaired at the County shop and that the purchase of a car for smaller groups be looked at during budget time. Commissioner Giordano asked if the cost is included in the current budget for repair? Administrator Deist stated that the money would need to be found. Commissioner Cassinelli asked what would be used until the vehicle is fixed. Administrator Deist stated that mileage would probably end up being paid. Superintendent Garrett noted that there are some Sheriff's vehicles coming off line and while they are high mileage rigs they might be usable. Commissioner Giordano asked what the time line for repair would be. Superintendent Garrett estimated a month. The following motion was made by Commissioner Cassinelli:

To fix the Expedition and in the budget coming up, we budget for another vehicle that gets better mileage.

Chairman Fransway stated he would support the motion if it were not to add another vehicle to the fleet, so he would be voting no. Chairman Fransway called the motion to a vote and it passed with Commissioners Cassinelli, Giordano, Amos and Bell voting aye and Chairman Fransway voting nay.

AUTHORIZATION TO OBTAIN AN APPRAISAL OF THE PROFESSIONAL BUILDING AT 33 W. 4TH STREET FOR POSSIBLE PURCHASE: Administrator Deist explained that the