

Monday, November 16, 2009

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, November 16, 2009, at 10:00 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, District Attorney Russell Smith, Deputy District Attorney Angie Elquist, Administrator Bill Deist and Clerk of the Board Tami Rae Spero.

DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - NOVEMBER 2, 2009:

Chairman Fransway stated that notice had been received from the Clerk that the minutes from November 2, 2009, were not yet available and would be presented at the December 14, 2009 meeting for discussion and possible approval.

PUBLIC COMMENTS: Chairman Fransway asked for public comments. None were offered.

ADMINISTRATIVE REPORT:

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

1. Approval and authorized signature on contract with Commnet Wireless, LLC for TV/Communication Department: A copy of the revised contract which had been reviewed by legal counsel was provided to the Board for review. *Recommendation: that the Commission approve the contract and authorize the Chairman to sign it.*
2. Request for adjustments to the Humboldt County Real Property Tax Roll: Requests 09-10-26 and 09-10-27 were provided for the Board's review. *Recommendation: That the Commission approve the requests per the recommendation of the Assessor and Treasurer.*
3. Resolution directing the County Assessor to take certain actions regarding the secured tax roll: A copy of the proposed resolution required by NRS 361.300(1) for annual adoption was provided to the Board for review. *Recommendation: That the Commission adopt the resolution.*

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

To approve the Consent Agenda as presented.

(Resolution No. 11-16-09)

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 per their request proponents of the nomination of land for Round XI of the Southern Nevada Public Land Management Act of 1998 would be in attendance at the December 14, 2009 Commissioners' meeting. Upcoming meetings and date of importance were reviewed.

REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES

THEY SERVE ON: Chairman Fransway reported on a Nevada Association of Counties Board meeting which he had attended. Commissioner Amos reported on a tour he had taken of the area damaged in the 2007 Thomas fire and the rehabilitation which had occurred. Chairman Fransway commented on a memo and packet provided to the Commissioners relative to a meeting that Recology had with the Humboldt Development Authority and reference to a statement by Recology addressing a community host agreement which is under discussion between Recology and Humboldt County. Chairman Fransway asked what that discussion is, who has been discussing it and under what authority. Chairman Fransway continued stating that these are extremely delicate discussions which need to be authorized by the Commission and the Commission needs to be involved; he requested that at the next meeting the answers to his questions and the status of the discussions be agendaized. Commissioner Bell stated that he had been at the HDA meeting and that question had been brought up and it was clarified that no discussions towards the host agreement had happened. Chairman Fransway noted contradictory statements being made and stated the need for the answer. Administrator Deist stated that the only discussion that has occurred is a review by legal counsel, as stated by the District Attorney at the last meeting, as to legal issues within the contract as all contracts are, there has been no negotiation on host fees, there is no contract and that is as far as it has gone. Chairman Fransway stated that as far as he is concerned the District Attorney has not had any authorization to look at any legal thing without the Commission authorizing him to do so. Administrator Deist stated that the process which has been in place, which can be changed, regarding contracts is that they first go to the District Attorney for review as to the legal aspects before they go anywhere else and that is the process which has been in place for three or four years. Chairman Fransway stated he would like to see the process as he thinks it needs to be changed and asked that the discussion occur on the next agenda relative to the host agreement to determine where we are and how we got there. Commissioner Cassinelli asked if the contract process would be looked at and a decision made to change it or leave it alone. Chairman Fransway stated that was fine, the Commission can go through the options they have, where we are today and how we got there.

CLAIMS FOR EXPENDITURES OF COUNTY FUNDS: The following motion was made by

Commissioner Giordano and passed unanimously:

To approve the claims for expenditures of County funds as presented.

APPOINTMENT TO THE HUMBOLDT DEVELOPMENT AUTHORITY BOARD: A copy of a letter from Scott Carriere requesting reappointment to the Humboldt Development Authority Board was provided to the Board for review. Administrator Deist reviewed the request for the Board and recommended approval. The following motion was made by Chairman Fransway and passed unanimously:

To reappoint Scott Carriere to the Humboldt Development Authority.

SENATE BILL 6 OF THE 2009 LEGISLATIVE SESSION RELATED TO VOLUNTEER FIRE FIGHTERS, OTHER PHYSICAL REQUIREMENTS, IMPACT ON SMALL VOLUNTEER DEPARTMENTS AND MATTERS RELATED THERETO: Wayne Carlson, Executive Director of Public Agency Compensation Trust, who provides the worker's compensation coverage for Humboldt County and the volunteer fire departments, appeared before the Board. Mr. Carlson addressed the Board regarding SB6 discussing what areas were addressed by the bill including requirements for heart/lung coverage, the requirements for physicals examinations specific to age, cost for examinations including additional testing, the result of refusal to take physical examinations and what the reasons for the bill were. Mr. Carlson commented on issues with some of the local volunteer fire departments on conducting the previously required physical examinations. Torrey Sheen, Assistant Fire Chief Winnemucca Rural Fire, Dennis Deputy, trustee for Paradise Valley Fire District and Dave Black, Fire Chief Orovada Fire Department appeared before the Board. Mr. Sheen commented on Winnemucca Rural Fire's current procedure and discussed the estimated costs associated with the requirements. Mr. Deputy commented on the issues with obtaining volunteers and issues with the fiscal impact of this requirement on the fire district's budget, noting the need to possibly raise taxes to obtain the necessary funds. Based on a question by Chairman Fransway, Mr. Carlson discussed what had occurred previously with coverage for other injuries and lack of coverage for heart disease for firefighters over the age of 55. Chairman Fransway commented on the issue with the cost of the physical examinations. Mr. Black discussed his research into the cost. Discussion occurred regarding the previous requirement for physicals for all firefighters and the need for the fire department to cover the costs for follow up testing, Chairman Fransway commented on the passage and intent of SB6 and noted that what was not considered adequately was the fiscal impact; he suggested that the issue needs to be re-looked at during the Legislative Session of 2011 with NACO's involvement in some form. Mr. Black commented on his discussion with John Moddrell of the McDermitt Fire District and the effect on that budget. Commissioner Cassinelli commented that what has already occurred is that the fire

fighters at Paradise Hill have all quit which requires the fire fighters in Paradise Valley to cover the area for fire calls and asked who is responsible if a house burns down Mr. Deputy commented on the situation. Commissioner Cassinelli commented on opposition in his community to raising taxes to fund a volunteer fire department. Discussion occurred regarding the district's responsibility if medical problems are discovered during examination and the duty of the district to schedule the exam even if the volunteer refuses to take the exam. Chairman Fransway commented on the possibility of a special session of the State Legislature and perhaps addressing SB6 at the special session; he suggested that Humboldt County could draft and send a letter to Humboldt County's State Representatives detailing the negative impact of this bill on local volunteer fire departments and asking the legislators for their help. Commissioner Bell stated that a letter was good but questioned if there was a time line by which the fire departments must quit operating if the physicals are not done. Mr. Black responding stating that what wouldn't be covered would be the heart/lung issue on a fire and noting again the issues with fiscal impact and volunteers quitting. Commissioner Cassinelli stated the question he is being asked is if the County would help pay for this stuff. Chairman Fransway stated the first thing that must be determined would be the true fiscal impact. Discussion occurred regarding the costs presented by Mr. Black and the costs for Winnemucca Rural Fire. Chairman Fransway asked that other Counties be contacted to determine if the same issues exist. Commissioner Giordano said sending a letter could be done but questioned how that will solve the problem today in Paradise as they are being required to follow through with the requirement but they do not have the funds to cover the cost. Mr. Deputy stated that they could cover the first round but there would be no funds for anything else; he discussed the departments reliance on grants for funding to cover other requirements. Mr. Carlson stated that the bill was effective as of July 1, 2009; he discussed the difference between active and non active status on the roster and the effect of those designations on the requirements. (*Deputy District Attorney Elquist exited the meeting at 10:55 a.m. and District Attorney Smith took her place*) Discussion occurred regarding active versus inactive, the difficulty obtaining younger volunteers in the rural areas, the use of auxiliary fire fighters and what is occurring in other departments. The following motion was made by Chairman Fransway and passed unanimously:

To ask staff to work with the local volunteer fire departments in Humboldt County and come up with a letter to Humboldt County's legislative representatives, with courtesy copies going to Senator Lee, the sponsor of SB6 and anyone else that is necessary and see what they can suggest.

Commissioner Giordano stated he agreed with the motion but requested that the matter be placed on

the next agenda for discussion regarding what the County can do or not fiscally to get the departments through the up front part until a change is made. The Board concurred.

REQUEST FROM RESPECT FOR A GRANT TO PAY ONE-HALF OF THE LANDFILL FEES

FROM THE RESPECT DAY COMMUNITY CLEAN UP: A copy of a request from Tami Vetter of RESPECT requesting that Humboldt County pay for one-half of the landfill fees from the RESPECT DAY community clean up was provided to the Board for review. Lianne Iroz and Tami Vetter appeared before the Board on behalf of RESPECT. Ms. Iroz offered a report to the Board on the first annual RESPECT day and provided photos to the Commission for review; she further stated that the group had decided to pay the landfill costs and were withdrawing their request for the grant. Chairman Fransway commented that the request would have been granted and suggested that the Landfill Committee work on a method for dealing with issues like this in the future. Administrator Deist stated that the Committee had discussed the issue previously and felt that grants needed to be brought before the Boards; he stated that as the request was withdrawn no action was required on this item. District Attorney Smith concurred.

REQUEST FROM ROD NELMS TO DISCUSS PROPOSED RE-ROUTING OF RAIL TRAFFIC:

Provided to the Board for review was an e-mail from Wesley J. Lujan, Director, Public Affairs Union Pacific Railroad, requesting time on the agenda to discuss Union Pacific Railroad's plans for the future of the Nevada Subdivision (the tracks located between Reno and Winnemucca), their changed operations over the Donner Summit and to discuss any other questions the Commissioners may have and a copy of a letter from Rod Nelms, State Legislative Director - NV United Transportation Union requesting time on the agenda to discuss the planned re-route of all or most train traffic over Donner Pass by Union Pacific. Mr. Lujan and Mr. Nelms appeared before the Board. Mr. Nelms addressed the Commission regarding the plan to run most of the rail traffic over Donner Pass rather through the Feather River Route through Portola, California and the effect on railroad employees, the Bridge Street crossing in Winnemucca and on future and current businesses along the Feather River Route; he stated for the record that any work that the Union Pacific provides for its employees he is for regardless, as a private citizen is opposed to the proposed landfill site at Jungo. Mr. Lujan addressed the Board regarding the changes to rail traffic, the reasons and benefits for the changes; he commented on the proposed Jungo Landfill stating that the issue is a local one that under federal law that defines a common carrier, Union Pacific is obligated to serve a customer under a contract and stated that if there is a commitment to the facility the railroad will be sensitive to how the material is routed through and around Winnemucca and will be aware of it in preparing the transportation plans for the facility and would be happy to come back before the Board with that information at a later date if the plan

proceeds. Mr. Lujan continued and discussed the derailment which had occurred on October 26th near Valmy, the effect that the changes in the route will have on the Bridge Street crossing, the fencing project along the railroad at the Bridge Street crossing and local charity support. In response to a question from Chairman Fransway, Mr. Lujan stated for the record that Union Pacific was not closing the Feather River Canyon and discussed what was occurring. Responding to a question from Chairman Fransway about which route a train carrying the solid waste would travel, Mr. Lujan stated that things have been scoped out but not in that much detail yet but he assured the Board that they would factor community concerns into the planned movement of the materials through urban areas. Discussion occurred regarding the potential route, the increase in train traffic through Winnemucca and the possible impact. Mayor DiAn Willis-Putnam commented from the audience on the City's positive experience with the railroad.

REQUEST FROM THE SHERIFF'S DEPARTMENT FOR APPROVAL OF CLERICAL OVERTIME AS A RESULT OF THE VACANCY IN THE CIVIL CLERK POSITION:

Sheriff Ed Kilgore appeared before the Board and spoke in support of approval of clerical overtime as the civil clerk position has not yet been filled and due to the amount of extra work being handled by the current staff. The following motion was made by Commissioner Giordano and passed unanimously:

To grant the request from the Sheriff for overtime for the clerical position.

ROAD MATTERS: Road Superintendent Ben Garrett appeared before the Board.

REPORT OF PENDING ROAD DEPARTMENT PROJECTS: Superintendent Garrett reported on the preparation of the snow plows, the status of the Commission vehicle repairs, the right-of-way project, cattle guard and crack sealing projects. Commissioner Cassinelli asked about the cattle guard on Reed Lane. Superintendent Garrett stated it was being worked on today.

MISCELLANEOUS ROAD RELATED MATTERS: Discussion occurred regarding the RS2477 road workshop.

PRESENTATION OF NACO UPDATE BY NACO PRESIDENT BONNIE WEBER AND NACO

EXECUTIVE DIRECTOR JEFF FONTAINE: Nevada Association of County Officials President Bonnie Weber and Executive Director Jeff Fontaine appeared before the Board. Director Fontaine addressed the Board regarding the Local Government Summit which had occurred, federal issues which included an amendment to the Clean Water Act, Wild Horse Management, HR 1018, Mining Reform, PILT, the sage grouse listing, stimulus funding, RS 2477 right-of-way issues, geothermal lease revenue issues and the Committee on Public Lands. Director Fontaine continued discussing state issues including state budget issues, SCR 37 study regarding tax revenues and the SB 264 study regarding powers delegated to local