

Monday, December 14, 2009

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, December 14, 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, District Attorney Russell Smith and/or Deputy District Attorney Angie Elquist, Administrator Bill Deist and Clerk of the Board Tami Rae Spero.

**DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MNUTES - November 2, 2009 and November 16, 2009:** The following motion was made by Commissioner Amos and passed unanimously:

*To approve minutes of the November 2, 2009 meeting.*

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

*To approve the minutes as written for the November 16, 2009 meeting.*

**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. **Request for TV/Radio Assessment Refund:** A copy of a request from the Quinn River TV District was provided to the Board for review. *Recommendation: That the Commission deny the request based on historical process and policy of the Quinn River T.V. District.*
2. **Clerk's 3<sup>rd</sup> quarter report:** A copy of the report was provided to the Board for review. *Recommendation: That the Commission acknowledge receipt of the report.*
3. **Approval of extension of AT&T contract for Centrex service:** A copy of the contract and correspondence regarding the issue was provided to the Board for review. *Recommendation: That the Commission approve the extension and authorize the Chair to sign.*
4. **Approval of 2010-2011 water budgets:** Copies of the budgets as prepared by the State Engineer were provided to the Board for review. *Recommendation: That the Commission approves the budgets as presented.*
5. **Request for review/modification of landfill assessments:** Copies of the requests were provided to the Board for review. *Recommendation: That the requests be approved based on the Landfill Committee's recommendation.*

After discussion about the extension of the AT&T contract the following motion was made by Commissioner Bell 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 updated the Board on the audit for fiscal year ending June 30, 2009 noting that it will be presented to the Commission in January as there has been an extension granted by the State of Nevada to Humboldt County for filing; he stated that the Comptroller will try and distribute copies of the 2008-2009 CAFR to the Board before the end of December so there will be opportunity for review. Administrator Deist reviewed a letter received from the Nevada Division of Environmental Protection granting Humboldt County's request to return to semi-annual ground water monitoring in Grass Valley. Upcoming meetings and dates of importance were noted.

**REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES**

**THEY SERVE ON:** Chairman Fransway discussed a workshop regarding RS 2477 which he had attended.

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

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

**COMMISSION POLICY ON REVIEW OF CONTRACTS AND OTHER LEGAL DOCUMENTS BY THE DISTRICT ATTORNEY'S OFFICE:**

Provided to the Board was a memo from the Administrator discussing the current policy and its time in effect. Chairman Fransway stated that he had requested this item be placed on the agenda and that it revolves around the issue of the host agreement between Humboldt County and Jungo Land & Investment which the Commission has never had the opportunity to look at or give direction on; he noted that the Administrator refers to a policy in the memo which he has not seen, so if there is one it needs to be reviewed and if there isn't maybe one needs to be created. Administrator Deist stated that a policy could be drafted, that it has been unwritten policy that when contracts or other legal documents come in they go to the District Attorney for review to determine if there are issues that need to be changed before there is any further action on it to protect the liability and legal side of things. Chairman Fransway discussed what had occurred with these type of matters when he was previously on the Commission and commented on what has been said about the host agreement noting that the Regional Planning Commission (RPC) received a copy of the agreement when the Conditional Use Permit was discussed and asked why the

Commission has not seen it. Administrator Deist stated his belief was that the agreement that went to the RPC was the Lincoln County agreement which was used as an example; he stated that in his opinion it was a poor example. Chairman Fransway stated the agreement was provided to him by Planning as part of their packet; he continued noting that because of the agreement public trust has become an issue which he does not want to have happen, that when these agreements come they need to be put before the County Commission and that if this agreement had been handled that way it would have went along way towards transparency. Chairman Fransway suggested that the Commission consider a policy that long term binding contracts or agreements which potentially will have a fiscal impact or may involve the County in commitment or potential liability should be agendized at a regular County Commission meeting and staff or legal counsel should brief the Commission on the issue subsequently the Commission should give direction on where it goes. Administrator Deist stated that based on that direction he could not think of an agreement that would not have to come to the Commission before it went to legal counsel. District Attorney Smith concurred with Administrator Deist and stated that in his office they did not negotiate anything they just look at liability issues; he noted the number of contracts that go through his office on a regular basis. Chairman Fransway stated that was fine but the Commission would like to know that legal counsel is reviewing a document that is specifically so important that it is going to last a hundred years. District Attorney Smith stated that it should be the departments that are submitting the contracts that should be keeping the Commission informed. Chairman Fransway stated that staff would be asked to make sure that happens and that if the District Attorney is looking at it perhaps a copy should be provided to the Commission so they are aware as the buck stops with the Commission; he commented on his belief that the trust of the people has been breached. District Attorney Smith disagreed with the Chairman's comments and stated that he had just discussed this issue with the Deputy Attorney General George Taylor and the direction given was that whenever negotiations on any contract occur no board member should be part of the negotiations, if the board member becomes a part of the negotiations then those negotiations need to take place in a public meeting. District Attorney Smith stated that is not the way to negotiate contracts and detailed why. Discussion occurred regarding the District Attorney's opinion. District Attorney Smith explained what has occurred to this point with the host agreement as far as reviewing the liability issues. Chairman Fransway commented on his wish that the District Attorney or staff had informed the Board of the agreement and requested direction on it noting that then the public would have been aware of it; he continued citing the July 6, 2009 meeting minutes in which Mr. Frankovich referred to host agreement negotiations and commented on how that appears to the public. Commissioner Giordano asked if the statements identify who the negotiation is with; Chairman

Fransway said no. Commissioner Giordano asked the District Attorney if discussion had occurred regarding price or anything besides liability. District Attorney Smith stated no. Administrator Deist stated there is wording in agreements about that but it has not been discussed to the best of his knowledge only the legal/liability side has been looked at. Chairman Fransway stated that no one understands that and referred to articles in the media discussing the host agreement; he stated that discussion needs to occur as to how to prevent this from happening again even if it is at the retreat. District Attorney Smith stated again that it is the recommendation of the Attorney General's Office that no board get involved with the negotiations until it is something that is legal and the department involved has reviewed it, then it comes to the County Commission and then the Commission can either approve it or give direction on how it should be changed because if the Commission is involved from the beginning of the contract then all of the negotiations must take place in an open meeting setting which does not make sense for negotiations; he explained how the host agreement, if it was being negotiated, would be handled. Chairman Fransway stated his agreement with the District Attorney but noted that is not the way this has been handled according to what he reads in the minutes and the newspaper. District Attorney Smith commented that he did not know what Mr. Frankovich was referring to unless it meant the legal issues are being negotiated and that the press may view what is happening as negotiations but as far as a negotiation team that is set up to negotiate the contract that is not where this is at; he again noted what his office has done. Chairman Fransway asked the District Attorney to provide the Commission with the AG's opinion plus some sort of a memo from the District Attorney. District Attorney Smith stated that he would not be able to provide an AG's opinion as the information was provided over the phone not as an AG's written opinion it is the practice that is taking place in this state. Chairman Fransway stated that he did not want this to happen again and noted how controversial the issue is. District Attorney Smith agreed but noted that the controversy is not as a result of his office doing their due diligence; he discussed why the process is done early. Chairman Fransway commented on his wish that he would have seen the agreement behind this table so the public would have been aware that it was out there. Commissioner Giordano asked District Attorney Smith if he had a contract in front of him from Recology stating what is going to take place. District Attorney Smith stated that he has directed Deputy District Attorney Elquist to take a look at it and to research the legal issues and they have discussed how best to handle the issues for county liability and notes have been made on those issues and sent back to Recology a couple of times. Commissioner Giordano questioned if the contract has anything to do with money, what benefits the County could get from it or what Recology is looking for. District Attorney Smith stated that those things are written down but they have not been discussed by his office only the legal liabilities have

been dealt with. Chairman Fransway stated that he has a copy of a proposed host agreement between Humboldt County and Recology and offered it to anyone who would like to see it. District Attorney Smith asked that Chairman Fransway not give that to the other County Commissioners because this entire negotiation could be legally required to take place in an open meeting which would destroy the ability of the County to negotiate properly. Chairman Fransway stated that it is out there, it has been to the RPC. Commissioner Giordano stated that nothing has been before the Landfill Committee. Commissioner Amos concurred. Chairman Fransway reiterated his suggestion regarding how long term binding contracts should be handled. District Attorney Smith disagreed with the suggestion noting that if he is aware of something out there, as the official legally responsible for all legal issues for this County, and he decides to start doing his homework ahead of time, he should not have to come before the Commission and get their permission to do his duty nor should this body way try to hamper the District Attorney from doing his homework; he stated that what is being done is to prepare for something that could happen in the future. Discussion occurred between the District Attorney and Chairman Fransway about why the agreement was not brought before the Commission sooner, what the concerns of the District Attorney were if that had happened and what has occurred to this point. Commissioner Cassinelli noted that the Commissioners are the ones that must answer to the public and it has looked like the public knew more than the Board did and would ask questions that he would not know how to answer; he asked how that could be stopped. District Attorney Smith commented on the understanding of terminology and that what is currently being looked at is not a contract until there is agreement between both sides. Chairman Fransway stated that it is a draft. District Attorney Smith agreed. Commissioner Giordano stated his take was that it was a proposal from Recology and it is not a contract until it is between the Commission and Recology. District Attorney Smith agreed and discussed the Landfill Committee's involvement in the negotiations. Chairman Fransway asked how it would have jeopardized the County's position if the District Attorney had informed the Commission that there was a draft agreement out there that had been submitted by Recology. District Attorney Smith stated that his concern with that would be that he is getting permission to look at the legal issues under the Commission's direction then the Commission has become part of the process which might make the entire negotiation required to take place in a public meeting. Chairman Fransway stated that has been done a lot that the Commission has directed staff to work with legal counsel. District Attorney Smith stated that just because it has been done a lot does not mean it is being done right. Chairman Fransway commented on wanting it done right and the need to recognize the sensitivity of these things; he noted that he was not criticizing the District Attorney or the Commissioner's Office but it wasn't transparent and it should be in some form and

asked that the Commission get a heads up when something like this is floating around out there that could put the Commission in a situation like they are in now. Commissioner Giordano stated in his opinion he is very comfortable with how the procedures are done and how the District Attorney handled this but if a contract is floating out there the Commission needs to know what is on it they need to be informed but this is not at that point yet. Discussion occurred regarding rumors, statements in the media and other information that is out there. Chairman Fransway stated for the record that if this thing gets this far this Commission is gonna be in the driver's seat and he makes that promise that the Commission will be. Commissioner Giordano stated that the Commission is in the driver's seat, that it can't get past the Commission. Chairman Fransway stated they did not want it negotiated before hand either. Chairman Fransway asked for questions. Tom Brissenden offered comment on Recology's written applications and printed data and the information provided regarding Jungo Land & Investment Inc. and the need for the County to know who they are doing business with. Annie Drake commented on the need for guidelines for the issues being discussed regarding reviews of contracts and negotiations. District Attorney Smith responded to her comments. Chairman Fransway asked at what point does a document become public information and suggested that the issue be discussed later as a candidate for retreat discussion. District Attorney Smith responded regarding how negotiations occur with other entities. Commissioner Cassinelli asked if the Commission makes the final decision and that is no, can the County be sued? District Attorney Smith stated the Commission can say no and yes they can be sued; he noted that it would be his job to have a legal meeting with the Commission and explain the legal liabilities of any decision and then it would be the Commission's decision to make. Chairman Fransway stated that what he is trying to avoid is the public perception that negotiations and discussion has been occurring between Jungo Land and Humboldt County. District Attorney Smith stated that he would make a final statement to make it as clear as he could from a legal perspective; he stated that no negotiations have occurred, that what the District Attorney's Office has done is to take a look at what one group would like to see including starting to do research on each of those issues and as his office decides something is not good for the County they are writing up what they would like to see it changed to if it were to go through. Chairman Fransway asked the Humboldt Sun to please quote the District Attorney that no negotiations has been occurring. Heather Gula of the Humboldt Sun and Dee Holzel of the Silver Pinyon Journal offered comments from the audience on what had been reported in the media.

**RECEIPT OF RESULTS FROM NEVADANS AGAINST GARBAGE SURVEY:** Lianne Iroz, Annie Drake and Tami Vetter appeared before the Board on behalf of Nevadans Against Garbage. Ms. Iroz addressed the Board and reported on the results of a citizens petition including a review of procedures for

the petition and that 3,159 signatures were obtained. Ms. Drake reported on a survey of registered voters for Humboldt County which was conducted including the process that was used, the number of surveys sent out (200), the number returned (127) and the results (78% opposed, 14% in favor and 8% undecided) and the criticism received regarding the survey and their response. Ms. Vetter addressed the Board regarding the purpose for forming the group, their concerns and what they were looking to accomplish. Ms. Iroz offered comment on the Board's need to make a good decision. Chairman Fransway stated his appreciation for the effort the group has gone through to provide the Commission with some form of information as to what the community feels; he stated that to him the numbers are important but the numbers aren't the deciding factor, that the whole thing revolves around right and wrong and that is the decision the Commission will have to come up with as to what is right and what is wrong. Chairman Fransway asked for comments from the Commission or the public; none offered.

**APPOINTMENT OF 9-1-1 ADVISORY COMMITTEE:** Provided to the Board was an e-mail from the Sheriff's Office listing those individuals who had agreed to serve on the 9-1-1 Advisory Committee including - Eva Tregellas as HCSO representative, Ric Grantham as HCC representative, Michael Grantham as AT&T representative, Jordan Passey as HGH IT representative and Justin Perez as Humboldt Telephone representative. Sheriff Ed Kilgore appeared before the Board and spoke in support of the request. Commissioner Bell noted that one of the appointees is a Humboldt General Hospital employee and works for him directly; he asked legal counsel how to proceed. District Attorney Smith recommended that if the group was going to be voted on as a block that Commissioner Bell abstain from action on the item. Commissioner Bell stated that he would be abstaining from action on this item as Jordan Passey works for him. The following motion was made by Commissioner Giordano and passed with Chairman Fransway and Commissioners Cassinelli, Giordano and Amos voting aye and Commissioner Bell abstaining:

*To appoint the five names as recommended to the 9-1-1 advisory committee.*

**PLANNING MATTERS:** Betty Lawrence, Senior Planning Technician for the Planning Department, appeared before the Board. *(District Attorney Smith left the meeting at 10:15 a.m. and was replaced by Deputy District Attorney Elquist)*

**LP-09-06 - A large parcel map application submitted by Desert Mountain Surveying on behalf of Crawford Family Trust to divide property located along the road to Midas, Section 10, T37N, R42E into 2 lots; APN #007-181-08:** Copies of the Planning Department Memorandum and Report recommending approval and the application with maps were provided to the Board for review. John H. Milton, III of Desert Mountain Surveying appeared before the Board. Ms. Lawrence reviewed the application and recommended

approval. Mr. Milton reviewed changes to the acreage and the access. Discussion occurred regarding the access. Chairman Fransway asked that the following language be considered as part of the jurat "that Humboldt County is not responsible for access beyond Midas Road to lot one". Mr. Milton agreed. The following motion was made by Commissioner Cassinelli and passed unanimously:

*For approval of LP-09-06 with the jurat language as stated by the Chairman.*

**LP-09-07 - A large parcel map application submitted by Desert Mountain Surveying on behalf of Finance All, LLC to divide property located along Cherry Creek Road, Section 31, T32N, R42E into 14 lots; APN #007-481-26:**

Copies of the Planning Department Memorandum and Report recommending approval and the application with maps were provided to the Board for review. John H. Milton, III of Desert Mountain Surveying appeared before the Board. Ms. Lawrence reviewed the application noting the inclusion of both the minerals lease and roads access jurats and recommended approval. Mr. Milton discussed the location of the parcel. The following motion was made by Commissioner Cassinelli and passed unanimously:

*To approve LP-09-07.*

**SET TO PUBLIC HEARING RH-09-05 - A rezone application submitted by James Felland to change the RR-1.25 (Rural Ranchette-1.25 acre minimum lot size) to RR-1.25 MH (Rural Ranchette-1.25 acre minimum lot size with a Mobile Home Combining District overlay) zoning district on property located on Forest Avenue; APN #010-474-18:**

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

*To set to public hearing RH-09-05 for January 4, 2010.*

**APPROVAL OF SUBMISSION OF APPLICATION FOR FURTHER SHOOTING RANGE DEVELOPMENT:**

A copy of the proposed application was provided to the Board for review. Administrator Deist reviewed the application prepared by Kent Arrien. Discussion occurred regarding what programs the facility would be used for. The following motion was made by Commissioner Amos and passed unanimously:

*To approve the submission of application for further shooting range development.*

**FIREFIGHTER PHYSICAL REQUIREMENTS AND POSSIBLE COUNTY ASSISTANCE:**

Provided to the Board was a memo from the Administrator which detailed the total cost for the fire districts including McDermitt, Orovada, Paradise Valley, Pueblo, Golconda and Winnemucca Rural for physicals for the volunteers (see attached). Administrator Deist noted that this item which had been discussed at the last Commission meeting and reviewed the memo submitted; he noted that what the memo did not calculate was



the costs if any of the physicals find an issue which requires further testing. Commissioner Cassinelli commented on how many "active" firefighters show as being on the Paradise Fire Department and questioned if some of them should not be classified as active and questioned why those who do not actually respond to fires should be included. Administrator Deist noted that the figures provided for volunteers in each of the departments are the number that workman's comp is being paid on. Commissioner Cassinelli stated his understanding but noted that the numbers need to be looked at to possibly get the cost reduced. Chairman Fransway voiced his concern that the districts are their own taxing districts and for the rest of the people in Humboldt County to pay for someone else's fire protection it is a little iffy; he stated that the departments are needed for the protection of the citizens served. Chairman Fransway noted that the letter to the County's legislators discussed at the previous meeting needs to be done and asked what happens if the districts are in non-compliance with SB 6 after January 1, whether a letter can be sent stating that the districts are not complying and that the volunteers are aware of that. Administrator Deist stated that at the previous meeting Wayne Carlson Executive Director of Public Agency Compensation Trust stated that the departments are required to schedule the physicals, if the volunteer does not take the physical he is not covered but the department is still required to schedule the physical. Discussion occurred regarding the possibility that the fee would still be charged if the fire fighter did not show. Commissioner Giordano noted the issue of the effect of the cost on the districts budgets and stated that the departments cannot be separated out, it needs to be fair to all and some should not be separated out because they have a bigger budget; he continued stating that the number of volunteers needs to be verified and with that occurring he would be willing for at least this year to assist but the change at the State level needs to be pursued. Chairman Fransway asked when the information requested by Commissioner Giordano comes back before the Board that it include the current tax rate and what the amount of the tax rate increase would be to cover the cost of the physicals; he continued stating that he would be willing perhaps to look at it on an interim basis until the districts figure out what they can do to afford this. Discussion occurred regarding what the potential effect would be on the tax rates to cover the costs, the effect on the tax cap, the potential of having community meetings to explain the issue to the residents of the district and determine how they feel about it, the number of active firefighters, the issues of the County subsidizing the districts, the long term issues, which fund would be used to cover the costs and what the options for this situation are. Discussion continued regarding assisting all the departments and the need to obtain correct numbers for the actual active firefighters in each district. Commissioner Cassinelli suggested that if the district does not want to confirm the numbers the County should help with only a portion of the cost. Commissioner Giordano stated that he did not believe the County should fund

the amount 100 % as each of the districts have some funds available, so a percentage for so many people should be done unless something occurs down the line; he asked that the item be on the retreat for further discussion including how other Counties are handling the issue; he noted that he had requested that Jeff Fontaine from NACO look into the matter also but he has not heard anything back at this time. Chairman Fransway suggested that each district determine the accurate numbers and come before the Commission with a request for assistance for one year; he continued that if the County Commission is going to assist with funding for the districts maybe it would be time to ask that the districts have Standard Operating Practices (SOPs). Dennis Deputy of the Paradise Valley Fire District Board addressed the Commission from the audience regarding the issue. Commissioner Cassinelli commented on the need for accurate numbers of firefighters who will undergo the physicals and the amount in each district's budget that can be used for the requirement to determine how much the supplement would need to be. Commissioner Giordano agreed and discussed how the amount of assistance could be determined; he suggested that the Administrator contact each district to work towards obtaining the information. Administrator Deist asked if what is being discussed is that a request needs to be made to each district for the actual number of people that are going to be required to have physicals that are active firefighters, how much money does each of the districts have to put towards those physicals and what is the difference between those numbers and what they actually have for the County to look at possibly supplementing those districts. Commissioner Giordano suggested that discussion occur when the Administrator contacts the districts regarding the request for SOPs but that it not be required. Discussion occurred regarding the matter. The following motion was made by Commissioner Cassinelli:

*That a request be made by staff to each district for the actual number of active firefighters that are going to be required to have the physicals to determine the costs of the physicals and what funds the district has available in their budget to put towards the cost of the physicals to determine the difference between the amounts and what amount the County would look at possibly supplementing.*

After discussion the motion was called to a vote and passed unanimously. Discussion occurred regarding the time line for information being submitted to the Commission. After discussion the previous motion was amended as follows and passed unanimously:

*That a request be made by staff to each district for the actual number of active firefighters that are going to be required to have the physicals to determine the costs of the physicals and what funds the district has available in their budget to put towards the cost of the*

*physicals to determine the difference between the amounts and what amount the County would look at possibly supplementing with the time line being the second County Commission meeting in January.*

**BUILDING DEPARTMENT:** Bobby Thomas Building & Safety Director appeared before the Board.

**SET TO PUBLIC HEARING AN ORDINANCE AMENDING THE FLOOD PLAIN ORDINANCE:**

Director Thomas explained the purpose of the amendment. The following motion was made by Commissioner Giordano and passed unanimously:

*To set to public hearing an ordinance amending the flood plain ordinance.*

**APPROVAL OF MOU BETWEEN THE STATE OF NEVADA AND HUMBOLDT COUNTY RELATED TO INDIVIDUAL SEWAGE DISPOSAL SYSTEMS:**

Provided to the Commission was a copy of a memo from the Building Official regarding the request (see attached) and a copy of the proposed Memorandum of Understanding by and between the State of Nevada department of Health and Human Services, Health Division, Frontier and Rural Health Program and the Humboldt County Building Department. Cindy Ulch, State of Nevada Health Inspector appeared before the Board. Director Thomas addressed the Board in support of the request detailing the information provided in his memo. Chairman Fransway asked about the fiscal impact to the department and asked if it would be necessary to hire more staff to do the service or if it would effect the part-time employee shared with the City. Director Thomas detailed why it would not have a fiscal impact and how the workload would be handled. Ms. Ulch commented on the fees that can be collected for the service and noted that other Counties in Nevada handle the issue this way. Chairman Fransway stated for the record that if the time comes that it becomes an issue with staff at the building department the fees for the applicants and those individuals who have to put in septic tanks would be addressed as the burden will not be put on the normal taxpayer. Director Thomas stated that fees will be set so they can pay for the program and adjustments will be made if necessary through the normal process; he noted that this program is for residential not commercial. After discussion the following motion was made by Commissioner Cassinelli and passed unanimously:

*To accept the Building Department's recommendation to enter the MOU between the State of Nevada and Humboldt County related to individual sewage disposal systems.*

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

**APPROVAL OF AGREEMENT WITH NDOT FOR THE JUNGO ROAD PROJECT:** A copy of the proposed resolution and the cooperative agreement were provided to the Board for review (see attached). Superintendent Garrett reviewed the information for the Board noting that the document has been reviewed

by legal counsel. After discussion the following motion was made by Commissioner Amos and passed unanimously:

*To adopt the resolution with NDOT for the Jungo Road project.*

*(Resolution No. 12-14-09)*

**REPORT OF PENDING ROAD DEPARTMENT PROJECTS:** Superintendent Garrett updated the Board on snow plowing, grading, crack sealing and the Sheldon Lane survey project.

**MISCELLANEOUS ROAD RELATED MATTERS:** Discussion occurred regarding Kings River Road and Martin Creek Road and the quality following use of the roller.

**REQUEST FOR \$2,500.00 CONTRIBUTION FOR THE 2010 HIGH SCHOOL RODEO:** Members of the Humboldt County High School Rodeo Club and advisor Glynn Montero appeared before the Board. Member Deanna Pasquale addressed the Board and spoke in support of the request for a donation of \$2,500.00 to be paid for the use of the fairgrounds and a donation of \$3,000.00 as a saddle donor for the all-around cowgirl or cowboy of the rodeo. Mr. Montero noted that funds are returned to the County with the rental of the RV spaces. Discussion occurred regarding the amount of the request and the additional \$3,000.00, that the school district does not support the event, that a request had not been made to the WCVA as this was not the state finals rodeo, that the WCVA benefits from the event and that the camping fees and shower fees that are paid by the participants comes back to the County. Commissioner Amos asked that the group put in a request to the WCVA for some assistance. The following motion was made by Commissioner Cassinelli and passed unanimously:

*To donate \$5,500.00 and to request that the group approach the WCVA.*

**PRESENTATION ON THE MARTIN BASIN RANGELAND PROJECT FINAL EIS AND THE RECORD OF DECISION:** Jeff Ulrich, Santa Rosa District Ranger for the Humboldt-Toiyabe National Forest appeared before the Board. Ranger Ulrich reviewed the process to this point, the information regarding the decision and the alternative selected and the appeal process. Chairman Fransway commented on the support of the County Commission for the permittees. Rolfe Schwartz, a permittee addressed the Board regarding the Record on Decision and the permittees opinion of the decision; he noted that the permittees will be deciding how to go forward and whether they will appeal and that they would be contacting the County Commission when that decision is made. Ranger Ulrich discussed the importance of the procedural time lines for the appeal process. Mr. Schwartz commented on what had occurred with the permittees preferred alternative in the process. Commissioner Giordano asked that the item be placed on the agenda for the first meeting in January if necessary.

*(Lunch recess at 12:03 p.m. - the meeting reconvened at 1:30 p.m.)*

**PRESENTATION BY NEVADA LAND CONSERVANCY REGARDING THEIR NOMINATION OF 720 ACRES OF PROPERTY AND 356 ACRE FEET OF WATER RIGHTS OWNED BY ESTILL RANCHES LLC NEAR THE BLACK ROCK/HIGH ROCK CANYON NATIONAL CONSERVATION AREA UNDER ROUND XI OF THE SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT:**

A copy of a letter from the Nevada Land Conservancy with property tax information regarding the Estill Ranches property and maps attached was provided to the Board for review. Becky Stock, Projects Director and Chuck Pope, CEO appeared on behalf of the Nevada Land Conservancy and Dave Hayes Winnemucca Field Office BLM Field Manager appeared on behalf of the BLM. Ms. Stock offered a power point presentation which discussed information regarding the Nevada Land Conservancy, the current project, the primary purpose of the acquisition and a detailed description of the area in question including maps and photos. Discussion occurred regarding the nomination process, that geothermal projects are not economically feasible, that the property taxes which are lost by turning private land into public land are minimal in this instance, the request for a letter of support from the Board of Commissioners, the funding for the Southern Nevada Public Land Management Act and the water rights which are being transferred. Chairman Fransway asked for public comment; none offered. The following motion was made by Commissioner Cassinelli and passed unanimously:

*To write a letter of support in favor of the acquisition.*

**DISCUSSION WITH THE BLM REGARDING PURCHASE/LEASE OF PROPERTY ABUTTING THE LANDFILL AND SHOOTING RANGE:** Gene Seidlitz, Winnemucca Field Office BLM District Manager appeared before the Board. Mr. Seidlitz offered a brief scenario of the Winnemucca Field Office's ongoing work on the RPP Sales including the direct sale of a 37 acre parcel and a 240 acre parcel to Humboldt County. Discussion occurred regarding what assessments had been accomplished and whether the Commission wanted the process to stand alone for the 37 acre parcel or whether the 240 acre parcel should be wrapped into the other one and they be handled together. Discussion occurred regarding the purpose of the purchase of the 37 acre parcel relative to the landfill and what had delayed the process to this point. After discussion the following motion was made by Commissioner Cassinelli and passed unanimously:

*To write letter to the BLM to request that the applications for the parcels at the landfill be combined and do a NEPA on all of them and to expedite the process.*

**REQUEST BY THE LIBRARY TO PURCHASE A USED BOOKMOBILE:** Provided to the Board was