

Monday, April 19, 2010

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, April 19, 2010, at 9:00 a.m. in the regular place of meeting at the Courthouse, Winnemucca, Nevada. Those present were Chairman Chuck Giordano, Commissioners Garley Amos Jr., Dan Cassinelli, Tom Fransway and Mike Bell, District Attorney Russell Smith (arrived at 9:10 a.m.), Administrator Bill Deist and Clerk of the Board Tami Rae Spero.

DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - MARCH 29, 2010

BUDGET MEETING AND APRIL 5, 2010 REGULAR MEETING: The following motion was made by Commissioner Amos and passed unanimously:

To approve minutes of the March 29, 2010, meeting as presented.

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

To approve minutes of April 5, 2010 meeting as presented.

PUBLIC COMMENTS: Chairman Giordano asked for public comments. Doug Cain addressed the Board regarding the 75th annual Nevada State Firemen's Conference. 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. **Approval of the Comptroller's Quarterly Report:** A copy of the report for the third quarter of the 2009-2010 fiscal year was provided to the Board for review. *Recommendation: That the Commission approve the report as submitted.*
2. **Request for Adjustments to TV/Radio Assessment:** A copy of request 09-10-02 was provided to the Board for review. *Recommendation: That the request be approved per the recommendation of the TV/Communication Director.*

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 a Landfill Committee meeting would occur later today.

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:

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OTHER INFORMATION AND UPCOMING MEETINGS: (see attached memorandum). Administrator Deist updated the Board regarding the fencing project for Shelton Lane, the Degerstrom Conditional Use Permit appeal withdrawal, the Quinn River TV District facilities and provided a copy of a letter from the District Attorney and the Assessor regarding a land sale in the area of the Black Rock NCA. Upcoming meetings and dates of importance were reviewed.

REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES

THEY SERVE ON: Commissioner Amos reported on the Humboldt River Basin Water Authority meeting he had attended. Commissioner Fransway reported on the actions of the advisory committee he serves on working towards saving the College of Agriculture at UNR and a Nevada Association of Counties Board meeting he had attended. Chairman Giordano reported that the Orovada, Denio and Paradise Valley Volunteer Fire Departments had obtained their physicals and discussed the upcoming Harney Electric annual election of which the Chairman is a voting member representing the County.

QUARTERLY JAIL INSPECTION - COMMISSIONER BELL: Administrator Deist stated that Commissioner Bell would be doing the inspection later today.

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

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

REQUEST FROM THE DISTRICT ATTORNEY'S OFFICE TO DISCUSS THE CONCLUSION OF GRANT FUNDS FOR THE VICTIM/WITNESS ADVOCATE POSITION AND THE COUNTY PICKING UP THIS AS A FULL TIME POSITION:

District Attorney Smith and Office Manager Nancy Jurad appeared before the Board. Administrator Deist reviewed the request made at the Commission's last meeting and stated that in preparing the tentative budget the cost for this employee would be \$52,240.00 which would include only the employee's salary and benefits. District Attorney Smith spoke in support of the request stating that the position would be classified at a 21 step 1, discussing the services provided by the advocate, stating that the position is crucial to the County and has helped increase the number of prosecutions. Chairman Giordano referred to the minutes from 2005 at which the grant funded position was approved and the statement by the Commission at that meeting that if the grant funding ended the County might not fund it. District Attorney Smith continued discussion the position's duties. Commissioner Fransway offered comments and noted that the motion made to approve the position made the office aware that if the grant funds dried up the position would not be filled; he questioned the ability of the office to cover the duties. District Attorney Smith discussed how his office is currently covering the duties of the

position and the difficulties with that coverage. Commissioner Fransway stated his belief that with the number of employees in the District Attorney's Office the position could be kept a float with current staff and that the County cannot afford, in this budget situation, the funds for a new position. Commissioner Bell questioned how the position helps in the prosecution. District Attorney Smith explained. Commissioner Bell stated that it sounded like a good system. Chairman Giordano commented on the hope that the duties could be covered in house and that the position not go away. District Attorney Smith responded stating that the position could not be covered in house as the office currently stands; he offered the suggestion that a part time position in his office be turned full time to cover these duties as well as the current duties of the position. Discussion occurred regarding the Domestic Violence Shelter's involvement and that they cannot work hand in hand with the prosecutor. Commissioner Amos stated that he was not in favor of the request and felt that it is the wrong time to create a new position until the economy turns around and that the Office needs to do what it can. Commissioner Cassinelli stated that it was a good program but that he was not in favor of creating a new position. Commissioner Bell noted that changing a part-time to a full-time still is an expense. The following motion was made by Commissioner Fransway:

To deny the request based on the information provided today and to ask the District Attorney to do what he can to provide the services out of his office with current staff.

Commissioner Cassinelli asked if the cost to increase the part-time to full-time could be looked at. Commissioner Fransway stated the request could be brought back but he would not change his motion. Chairman Giordano called Commissioner Fransway's motion to a vote and it passed unanimously. District Attorney Smith requested time on the next agenda to discuss the option of taking the part-time employee to full-time to cover the advocate's duties.

REQUEST FROM JIM PARRISH, CEO, HUMBOLDT GENERAL HOSPITAL, TO PROVIDE UPDATE ON THE HUMBOLDT GENERAL HOSPITAL PROPOSED EXPANSION PROJECT:

Hospital Administrator Jim Parrish appeared before the Board and presented a slide show on the proposed hospital expansion project. Discussion regarding the project followed.

DISCUSSION OF DEVELOPMENT OF COUNTY TRAVEL POLICY AND PROCESS TO FOLLOW IN THAT DEVELOPMENT:

Chairman Giordano noted the language of the draft policy created several years ago regarding the review of travel including out of state travel as it is usually more costly than in state; he stated that with the current economic situation he believed the Commission needed to follow through with the policy previously discussed. Chairman Giordano continued detailing the previously proposed policy including that the trip requests be presented to the Commission with details as to how the

trip benefits the County, the need for Commission details if the request is denied and information presented to the Board regarding the results of the trip; he stated he wanted to include usage of the County vehicle in the policy, that any time the vehicle is used it should be logged out and the intended usage should be noted for both liability and transparency in government; he continued stating the benefit to the Commission if they know what each department is doing and would be aware of what is being spent at budget time. Commissioner Bell agreed noting the accountability issue and observing that a lot of travel could be cut out if video conferencing equipment was purchased and utilized. Commissioner Cassinelli stated he liked the idea and was not sure why it did not get adopted previously. Commissioner Amos asked what the current policy is. Administrator Deist stated that there is no policy except for what items are paid for by the County. Commissioner Amos stated that just for the liability issue it would behoove the Board to develop a written policy so there is something to fall back on. Commissioner Fransway stated that travel is a very intricate part of County government and it does need to benefit the County but as far as a policy there is one in the budget approval that occurs; he continued stating that he believes the Elected and Appointed Officials travel responsibly; he noted that budgeted travel amounts have been adjusted in the past following conversations with an Elected or Appointed Official and that is how he thinks it should be taken care of; he stated that signing out the County vehicle is absolutely necessary; he noted his concern that if policy is set that is somewhat firm it could tie the hands of other elected officials, department heads and County Commissioners in the future; he stated his belief that it is currently working well and that the travel amounts can be adjusted during budgets and he did not believe a written policy is needed. Chairman Giordano offered his disagreement citing the need for transparency as the public and the County Commissioners are being kept informed and he did not see that it would be restrictive. Commissioner Fransway stated that if a policy could be drafted that did not tie the hands or restrict but just improve accountability he would be willing to look at it. District Attorney Smith commented that there is some case law that states that the County Commission cannot tell the Elected Officials how to spend their budget so any policy would have to take that into account. Chairman Giordano suggested that the denial by the Commission be removed but the information still comes to the Commission and is public information. District Attorney Smith agreed. Commissioner Fransway noted that the Commissioners report at every meeting regarding activities and questioned the need for other offices to report to the Commission. Chairman Giordano noted that previous comments have been made regarding the need for the Commission to be more involved and this is one way that would occur. Commissioner Fransway agreed the request could be made. Chairman Giordano stated he would like to see this policy worked on and asked if the Board agreed. The Board agreed. Administrator Deist stated that

something could be drafted and discussed at Management Team next month and then be brought back to the Board.

SELECTION OF THREE NAMES TO SUBMIT TO THE GOVERNOR FOR CONSIDERATION FOR APPOINTMENT TO STATE LAND USE PLANNING ADVISORY COUNCIL TO REPRESENT HUMBOLDT COUNTY:

Provided to the Board for review was a copy of a letter from the State of Nevada Department of Conservation and Natural Resources Division of State Lands requesting that the County Commission submit the names of at least three persons that the Governor could consider for appointment to represent Humboldt County on the State Land Use Planning Advisory Council (SLUPAC). Discussion occurred as to the current appointee being Commissioner Fransway and Commissioner Amos as alternate. After discussion the following motion was made by Commissioner Bell and passed unanimously:

That the Commission send a letter stating that Commissioner Fransway would be reappointed.

PLANNING MATTERS: Betty Lawrence, Senior Planning Technician for the Planning Department, appeared before the Board.

PUBLIC HEARING AH-10-01 - An abandonment request submitted by Cleve and Delores Mallory to abandon a 731.21 foot portion of Memory Lane, a 30 foot easement, lying north of Bruce Drive, next and within the easterly border of APN #006-621-26 and 006-621-27:

Provided to the Board for review was a copy of the application with maps, a copy of the Planning Department Staff Report recommending denial, a copy of the Notice of Public Hearing, photos of the area and letters of objection from Helen Behlow, Fred Fosbinder, Rev. L. Allen Peavy Jr. and Shirley Delaney. Applicants Cleve and Delores Mallory appeared before the Board. Mrs. Lawrence reviewed the application for the Board and detailed the reason for denial by the Regional Planning Commission including the blocking of access to other property owners' parcels and the utility easements in the area requested for abandonment. Cleve Mallory addressed the Board and provided copies of photos and a map of the area to the Commission; he spoke in support of the request including issues with the addition of a thirty foot easement by the person who sold them the property that they did not know about, that the previous owners of the property which would lose access had agreed to put in a separate driveway that would tie up with Norma Avenue, the removal Bruce Drive, that the 30 feet does no good for anybody except Helen (Behlow) and Fred (Fosbinder) and they have a road which goes to the gravel pit that has been blocked; he noted that he had placed gravel on the portion of Memory Lane and questioned why he should go to the expense of giving other people a private driveway and noted lack of development on the other portion. Discussion occurred regarding the easement, the power guy wires

encroaching into the easement, a fence being installed on Mr. Mallory's property and a bus on Mr. Mallory's property. Road Superintendent Ben Garrett appeared before the Board and commented on the easement and what is in the easement including utility. Discussion occurred regarding the utility easement. Commissioner Cassinelli suggested that the Commission take a road trip to view it in order to make a correct decision. Chairman Giordano agreed that it was a good suggestion for the Commission to view the site with the applicants, the Road Superintendent and perhaps representatives for the utility companies. Mr. Mallory continued commenting on work he has done on his property. Superintendent Garrett commented on the access for the other property owners. Chairman Giordano asked for public comment. Fred Fosbinder appeared before the Board and spoke in opposition to the request stating he wanted the road easement to stay and the junk moved off the road so he can get a loader in to put in the road like it was suppose to be; he discussed the survey lines, that the roadway was explained to these people prior to buying the property and Mr. Delaney was also informed, the issue with the guy wire and why the road was installed for future development. Commissioner Fransway commented on what the power company would need to do to remove the guy wire from the easement; discussion occurred regarding the problem. Commissioner Bell stated that it was obvious something needed to be done and agreed with the need for a road trip. Commissioner Fransway stated he could look into the situation and have the power company come in and discuss how to get the issue fixed. Chairman Giordano stated he would like the power company to explain where their easements are and if there is anything underground. Mr. Fosbinder continued commenting on the property lines. Chairman Giordano asked for additional public comment; none offered. Chairman Giordano suggested that this matter be postponed and a road trip be scheduled for the next Commission meeting. The Board agreed. The following motion was made by Commissioner Amos and passed unanimously:

To postpone this until the Commission's next meeting so the Commission can go out and visually inspect what is going on and see if the power company and all interested parties involved can meet.

Mr. Fosbinder commented on his inability to attend. Chairman Giordano noted that while there would be a road trip at the next meeting, the discussion/action item would be on the second meeting in May. The Board agreed that as it is a public meeting Mr. Fosbinder could send a representative out for the road trip.

SN-10-01 - A request from Donald and Tracy Openlander to rename Barth Way to either Openlander Road or Open Range Road: Provided to the Board for review was a copy of the application, a copy of a memo from the Regional Street Naming Committee recommending approval with Open Range Road being

considered over Openlander Road as the new name and copies of proposed resolutions for both names. Applicants Donald and Tracy Openlander appeared before the Board and spoke in support of the request. Discussion occurred regarding the number of addresses effected, the effect on public/emergency services and the comments received. The Board agreed with a change to Open Range Road; the applicants concurred. After discussion the following motion was made by Commissioner Cassinelli and passed unanimously:

To adopt the resolution approving the name change from Barth Way to Open Range Road.

Resolution No. 04-19-10

NUISANCE COMPLAINTS:

CONTINUATION OF PUBLIC HEARING ON NUISANCE COMPLAINT AT 4370 SUNNY DRIVE:

WINNEMUCCA, NV: Provided to the Board for review was a copy of the complaint with photos, copies of the inspection reports, a copy of the original Notice of Hearing and a copy of a letter sent by the Clerk to the property owner detailing what the Commission wanted done to avoid the finding of a nuisance. Neither property owner nor complainant were present nor represented. The Commissioners agreed that nothing additional had been accomplished at the site. Building & Safety Director Bobby Thomas appeared before the Board and commented on the clean up to this point, what still needs to occur and the danger of the open basement. Discussion occurred regarding the situation, the time which would be allowed to complete the clean up and that a nuisance needs to be declared. After discussion the following motion was made by Commissioner Fransway:

To draft a resolution that a nuisance does exist at 4370 Sunny Drive and that the nuisance needs to be abated in fourteen days and authorize the Chair to sign.

The Clerk asked for clarification as to whether it was fourteen days from adoption or fourteen days from service. District Attorney Smith stated it should probably be fourteen days from service as the party is not in attendance and they will not have notice. The Clerk discussed the time to prepare the resolution and serve. The following amended motion was offered by Commissioner Fransway and passed unanimously:

To draft a resolution that a nuisance does exist at 4370 Sunny Drive and that the nuisance needs to be abated within fourteen days of service and authorize the Chair to sign.

Resolution No. 04-19-10a

SET TO PUBLIC HEARING AN ALLEGED NUISANCE AT 5820 PELICAN LANE: Provided to the Board for review were a copy of the complaint with photos, copies of the inspection reports provided by the Sheriff's Office and the Building & Safety Director and a follow-up email from the Building & Safety Director stating that all vehicles but two had been removed from the site. Chairman Giordano stated that he