

Monday, May 3, 2010

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, May 3, 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 and/or Deputy District Attorney Angie Elquist, Administrator Bill Deist and Clerk of the Board Tami Rae Spero.

DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - APRIL 19, 2010

REGULAR MEETING: Corrections offered by Commissioner Fransway. The following motion was made by Commissioner Amos and passed unanimously:

To approve minutes of the April 19, 2010, meeting with corrections offered by Commissioner Fransway.

PUBLIC COMMENTS: Chairman Giordano asked for public comment. Commissioner Fransway stated that he had received a call from a constituent regarding the odor in the community. Administrator Deist agreed to look into it. 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 Adjustments to the Humboldt County Real Property Tax Roll:** Requests 09-10-31 through 09-10-37 were provided for the Board's review. *Recommendation: That the Commission approve the adjustments as recommended by the Assessor and the Treasurer.*

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

To approve adjustments as recommended by the Assessor and Treasurer and 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 activities in Water Canyon regarding the BLM's plan to realign the road in the area with the County's assistance, to amend their plan to allow OHV in zone 1 and to post speed limits for both OHV and vehicles.

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Administrator Deist noted that the property owners of the nuisance complaint at 4370 Sunny Drive had contacted the Clerk's Office and stated that clean up was ongoing so the item would be on the next Commission agenda for review. Upcoming meetings and dates of importance were reviewed.

REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES

THEY SERVE ON: Commission Fransway discussed the College of Agriculture Biotechnology & Natural Resources (CABNR) meeting he had attended relative to the potential closure of the College of AG and requested that an item be placed on the next agenda for an update. Administrator Deist reported on the meeting he had attended regarding net proceeds.

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

To approve the claims for expenditures of County funds.

APPROVAL OF ENGAGEMENT LETTER WITH SWENDSEID & STERN REGARDING IRS AUDIT OF HUMBOLDT COUNTY, NEVADA \$49,750,000 POLLUTION CONTROL REFUNDING REVENUE BONDS (SIERRA PACIFIC POWER COMPANY PROJECTS) SERIES 2006:

Contained in the Boards packet was a copy of the letter from Swendseid & Stern stating the representation provided for Humboldt County regarding this issue. Comptroller Brooks explained the planned audit by the Internal Revenue Service and the bonds and the County's involvement with them; he noted that all costs for this audit will be borne by Sierra Pacific. After discussion the following motion was made by Commissioner Amos and passed unanimously:

To approve this agreement, approve the engagement letter with Swendseid and Stern regarding IRS audit of Humboldt County, Nevada \$49,750,000 pollution control refunding revenue bonds Sierra Pacific Company Projects.

ADOPTION OF RESOLUTION RELATED TO RETURN OF SALE FROM THE RECENT TREASURER'S TAX SALE:

A copy of the proposed resolution was provided to the Board for review. Treasurer Gina Rackley appeared before the Board. Treasurer Rackley reported on the auction, the sales, the amount which the county gets to keep and explained the process relative to the excess proceeds. After discussion the following motion was made by Commissioner Cassinelli and passed unanimously:

To adopt the resolution of the recent Treasurer's tax sale.

(Resolution No. 05-03-10)

REQUESTS FOR CONTRIBUTIONS:

AD/WELCOME LETTER FOR THE NEVADA STATE FIRE CONVENTION TO BE HELD IN

WINNEMUCCA JUNE 23 - 26, 2010: Doug Cain a member of the Winnemucca City Fire Department spoke in support of the request. Discussion occurred regarding the cost of the ad. After discussion the following motion was made by Commissioner Fransway and passed unanimously:

To approve the welcome letter to the State Fire Convention and any funding necessary to do that and the estimate is \$50.00.

\$1,000 GRANT FOR THE NEVADA ALL-AROUND WORKING COWHORSE CHAMPIONSHIP TO BE HELD IN WINNEMUCCA, JULY 30 - AUGUST 1, 2010: A letter of request was provided to the Board for review. Administrator Deist noted that the Commission has provided grant funding to this event for the last two to three years. Commissioner Amos asked if the group had approached the WCVA for funding. Commissioner Cassinelli stated that he did not think so. Administrator Deist noted that in the past it has been indicated that funding has not been provided by the WCVA as the event attracts more locals then out of town guests. The following motion was made by Commissioner Cassinelli:

To award the \$1,000.00 grant to the Nevada All-Around Working Cowhorse Championship.

Commissioner Fransway commented on the event participation being from all over the west; he asked that a part of the motion be that next year WCVA consider supporting this event. Commissioner Cassinelli stated that he would not change his motion, that if the group wanted to go to the WCVA they could; he continued noting that in the past he believed the request had been turned down because it did not bring in enough money but noted the usage of the RV park and showers at the complex and the revenue generated by that; he stated that he would bring the matter up at the next WCVA meeting and report back to the Commission. Chairman Giordano called the motion to a vote and it passed unanimously.

\$3,500 GRANT FOR THE HUMBOLDT DEVELOPMENT AUTHORITY WINNEMUCCA FUTURES: Pat Gray, Chairman of the Humboldt Development Authority (HDA), appeared before the Board and spoke in support of the request noting the presentation at the April 19, 2010, County Commission Meeting; he updated the Commission about the project including the approval of the WCVA for a \$3,500.00 grant, the creation of a steering committee and the commitment to the project. Commissioner Fransway stated that at the April 19th meeting he had noted the County's continued commitment to the HDA at budget time and reiterated that the amount being requested should come from HDA. Commission Bell commented on the amount being requested being minimal and that this is more about showing the Commission is on board with the project and that the Commission can support it with a contribution and that it is a worthwhile cause. Commissioner Fransway commented that the Commission does support HDA with the contribution that is made every fiscal year and not contributing the additional funds does not dilute that support. Mr. Gray

reviewed the contributions of HDA and other participants. Discussion occurred regarding the need to follow through with the project. Commissioners Cassinelli and Amos voice their support for the project. The following motion was made by Commissioner Bell and passed with Chairman Giordano and Commissioners Amos, Cassinelli and Bell voting aye and Commissioner Fransway voting nay:

To approve \$3,500.00 grant for the Humboldt Development Authority Winnemucca Futures.

REVIEW OF PROPOSAL FOR UPDATE OF QUINN RIVER TV DISTRICT AND DIRECTIONS

ON HOW TO PROCEED: A memo entitled Recommendations for Quinn River TV District 4/2010 with diagram had been provided by the TV/Communications Director for the Board's review (see attached). TV/Communications Director Paul Burkholder appeared before the Board. Director Burkholder reviewed the memo for the Board and discussed the current status of the McDermitt channels, the option of making those channels work or allowing them to go away, what may work with the channels which come in from Boise, issues with the High Peak location, the recommendation if there are viable channels, the need to convert to digital and the estimated costs. Discussion occurred regarding the need to make sure of the benefit of spending the dollars, the need to review the equipment at High Peak to make sure there are viable channels, the continued availability of free over the air television, the possibility of a community meeting to determine what the district residents want, the amount of money currently in the Quinn River TV District fund, the availability of grant funds and the possibility of obtaining assistance from the Assessor's Office for determining the number of antennas versus satellite dishes in the district. Public comment was received from audience member Mel Hummel regarding the issue. The Board directed Director Burkholder to determine what is viable at High Peak and bring that information back to the Board.

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

LP-10-04 - Final map approval for division of land into large parcels submitted by Desert Mountain Surveying on behalf of CBD Development Group of Northern Nevada, LLC to divide property into 15 lots of approximately 14 @ 40 acres each; 1 @ 81.23 acres. Property is located approximately 8 +/- miles northwest of Pronto; Section 11, T36N, R33E, MDB&M, APN #05-331-11; Provided to the Board for review were copies of the Planning Department Memorandum and Report recommending approval and maps of the area. Dave Louk of Desert Mountain Surveying was present on behalf of the applicant. Mrs. Lawrence reviewed the application and recommended approval noting the inclusion of the access jurat. The following motion was made by Commissioner Bell and passed unanimously:

To approve LP-10-04 final map as recommended by staff.

Deputy District Attorney Elquist departed the meeting at 10:24 a.m.

REQUEST FROM DISTRICT ATTORNEY FOR THE COUNTY TO PICK UP THE VICTIMS WITNESS ADVOCATE POSITION AS A PART-TIME POSITION: District Attorney Russell Smith and Office Manager Nancy Jurad appeared before the Board. District Attorney Smith spoke in support of taking the current part-time position in his office which assists the Public Administrator to a full-time position to cover the duties of the Victims/Witness Advocate position; he reviewed the additional cost related to salary for the grade 15 position. Administrator Deist voiced his concern with reducing the grade assigned to the Victims/Witness advocate position from 21 to 15 and questioned whether that would be a violation of either the employees contract or County policy; he requested that the District Attorney work with Brenda Willey in the Administrator's Office to make that determination. Discussion occurred regarding the concerns. District Attorney Smith noted that he believed the grade for the original position was determined by the amount of funding available for the position in the grant; he stated he would take a look at the issue and bring the matter back again.

District Attorney Smith remained in the meeting.

ROAD MATTERS: Administrator Deist stated that the Road Superintendent was not in attendance due to a family issue.

REPORT OF PENDING ROAD DEPARTMENT PROJECTS: Administrator Deist stated that application of mag chloride had begun in the Kings River area.

MISCELLANEOUS ROAD RELATED MATTERS: Commissioner Cassinelli indicated that he had been contacted by Dennis Acorda regarding Pasquale and Richards Roads in the Richards subdivision and Mr. Acorda had asked if gravel were placed on the roads could they come into the County Maintained System. Administrator Deist stated that he would have the Road Superintendent contact Mr. Acorda when he got back into the office. Discussion occurred regarding the status of the Shelton Lane fencing project. Commissioner Amos commented on issues with drainage at the intersection of East Thomas Canyon Road and Grass Valley Road and noted it could be a public safety issue.

Deputy District Attorney Elquist returned to the meeting and District Attorney Smith departed.

APPROVAL OF CONTRACT WITH PICTOMETRY INTERNATIONAL CORPORATION FOR AERIAL PHOTOGRAPH WORK FOR THE ASSESSOR'S OFFICE: A copy of the proposed agreement was provided to the Board for review. Assessor Jeff Johnson appeared before the Board. Assessor Johnson spoke in support of the request noting issues which had occurred with the previous aerial photograph work and the option for a refund or re-fly, the decision to have the re-fly done with additional

parcels being added which weren't picked up the first time and the cost. Discussion occurred regarding the length of the contract, the cost and the benefits of the project. Commissioner Fransway asked that the language in the agreement be corrected to make the time frame of the contract and the associated cost more clear. Assessor Johnson agreed. The following motion was made by Commissioner Fransway and passed unanimously:

To approve the contract extension with Pictometry International Corp for an additional two years not to exceed \$23,825.00.

DISCUSSION OF COMMISSION HONOR IN MEMORY OF FORMER HUMBOLDT COUNTY

SENIOR CITIZENS' CENTER DIRECTOR DEE LARIOS: Jim Kinney and Joe Gough of the Senior Citizens' Board appeared before the Commission. Commissioner Amos suggested that it would behoove the Commission to acknowledge what Dee Larios had done for the Senior Citizens' Center and the community. Mr. Kinney spoke in support of Commissioner Amos' suggestion and offered some additional suggestions such as the naming of a new senior housing facility near the Center the "Dee Larios Senior Complex", a plaque and/or a rose bush. Commission Fransway asked that a resolution be drafted in her honor in addition to any other honors. Discussion occurred regarding Mrs. Larios contributions including the senior transportation program. After discussion the following motion was made by Commissioner Fransway and passed unanimously:

That the Commission draft a resolution in honor of Dee Larios' contributions to the Senior Center and work with the Senior Center Board to come up with a plaque type of honor in her name.

Mr. Gough addressed the Board with a request that the Commission furnish a flag for the Veterans Memorial Park as it is a county park. Chairman Giordano asked that the item be placed on a future agenda for discussion and action.

REQUEST TO DONATE PROPERTY TO HUMBOLDT COUNTY BY GLORIA BROWN FOR USE BY THE WINNEMUCCA RURAL FIRE DEPARTMENT:

A copy of a letter from William Macdonald on behalf of Gloria Brown and the Winnemucca Rural Fire District to the Board of Commissioners was provided to the Board for review (see attached). Bill Macdonald, Gloria Germain Brown, Winnemucca Rural Fire Chief Ron Schrempp and Winnemucca Rural Fire District Board of Director Walt Curtis appeared before the Board. Mr. Macdonald introduced Mrs. Brown to the Board and detailed her family history in the community and stated her intent to contribute to the citizens of Winnemucca and all of Humboldt County her property located at 48 East Fourth Street and Baud Street adjacent to the Winnemucca Rural Fire District

Station; he continued stating that her gift will be to Humboldt County for public purposes as may be determined or dedicated by the Board of County Commissioners honoring and in the memory of the Merwyn H. Brown and Gloria Germain Brown families. Mrs. Brown presented the deed to the property to Chairman Giordano. (*Deputy District Attorney Elquist left the meeting at 11:33 a.m.; no legal counsel present*) Fire Chief Schrempp introduced the members of the Fire Department present at the meeting and requested that the Fire Department be allowed to use the property and thanked Mrs. Brown for her donation. After the presentation and discussion the following motion was made by Commissioner Fransway and passed unanimously:

That the Humboldt County Commission accept the gracious donation of the building at the corner of Baud and Fourth Street in the name of the Brown and Germain families and that we anticipate the use by the Winnemucca Rural Fire Department for improvements to the District.

Recess for lunch at 11:40 a.m. The meeting reconvened at 1:30 p.m.

District Attorney Smith present for the next item.

REVIEW OF INITIATIVE PETITION PROPOSING TO AMEND THE SOLID WASTE CODE AND DECISION TO SET TO PUBLIC HEARING AND ALLOW IT TO GO TO A VOTE OF THE REGISTERED VOTERS IN NOVEMBER:

A copy of the Petition Certificate of Results, a copy of the Initiative Petition language, a copy of a letter from John Frankovich of McDonald-Carano-Wilson representing Jungo Land and Investment Inc. regarding the consideration of initiative petition proposing amendment to Humboldt County Solid Waste Code and a copy of a letter of response to John Frankovich's letter from the Petition Committee were provided to the Board for review. Richard Cook, a Petition Committee member appeared before the Board at the request of the Chairman. Mr. Cook offered comment regarding the selection of the landfill site, response to Mr. Frankovich's letter, the makeup of the petition, issues with the landfill related to the technology used, the proposed economic impact, the responsibilities of the Board of Commissioners with regards to the issue, the need for an environmental impact study regarding the project and the ability and authority of the Commission to find that the purpose of the petition is to protect the health and safety of the public from toxins and environmental harm. Chairman Giordano noted the information received by the Commission and requested that the District Attorney Smith explain the process of the initiative. District Attorney Smith discussed the statutory language related to the initiative petition and explained what actions the Commission could take regarding the petition as set forth in statute. Chairman Giordano asked for the District Attorney's recommendation. District Attorney Smith