

Monday, June 14, 2010

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, June 14, 2010, at 10:00 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, Deputy District Attorney Angie Elquist, Administrator Bill Deist and Clerk of the Board Tami Rae Spero.

DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - May 17, 2010

REGULAR MEETING: Chairman Giordano stated that this item would be heard later in the meeting to allow the Commissioners time to review the proposed minutes.

PUBLIC COMMENTS: Chairman Giordano 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 Adjustment to the Humboldt County Real Property Tax Roll: Requests 09-10-39 through 09-10-41 were provided to the Board for review. *Recommendation: That the Commission approve the adjustments as recommended by the Assessor and Treasurer.*
2. Authorize the Chairman's signature on the contract between UNR, Humboldt County and the City of Winnemucca for staff assistance for the Humboldt Development Authority: A copy of the proposed contract with UNR for a portion of the Small Business Development Center staff for Humboldt Development Authority which is entered annually was provided to the Board for review. *Recommendation: That the Chairman be authorized to sign the contract.*
3. Receipt of the Clerk's 1st quarter 2010 report: A copy of the report was provided to the Board for review. *Recommendation: That the Board acknowledge receipt of the report.*

The following motion was made by Commissioner Cassinelli 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.

CANVASS OF RETURNS OF THE JUNE 8, 2010 PRIMARY ELECTION: A copy of the Summary of Vote was provided to the Board for review (see attached). County Clerk Spero reviewed the information

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provided and discussed what had occurred with the need to continue tally on Friday, June 11, 2010 for the Absentee/Mailing ballots as up to seven ballots had been counted twice in Precinct One and that following the continued tally the totals matched. After discussion the following motion was made by Commissioner Bell and passed unanimously:

To accept the final results of the Primary Election.

MISCELLANEOUS REPORTS AND CORRESPONDENCE:

OTHER INFORMATION AND UPCOMING MEETINGS: Administrator Deist updated the Commission on the status of the nuisance complaint at 4370 Sunny Drive noting that a letter had been received from the property owner and a report from the Building Inspector stating that the nuisance had been abated. Administrator Deist informed the Board that per NRS 403.190(3) a private individual may file with the County Recorder a map with a road outlined in black thus making it a minor County Road and that John Delong had filed several of these maps on May 20, 2010 for the area of his ranch; he noted that the County is not required to maintain a minor road. Upcoming meetings and dates of importance were noted.

REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES

THEY SERVE ON: Commissioner Bell discussed a meeting of the Humboldt Development Authority regarding the Winnemucca Futures Project. Commissioner Cassinelli discussed a Nevada Works meeting he had attended. Commissioner Fransway discussed a question regarding unfunded mandates that the Nevada Association of Counties is requesting that local governments place on the General Election ballot; he also updated the Board regarding discussion which had occurred with stakeholders on Winnemucca Mountain regarding their concerns with the bike trail and the options that are being discussed to mitigate those concerns. Chairman Giordano commented on the grand opening of the shooting range and a Home Health meeting he had attended.

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 ROBERTA ROTHWELL TO DISCUSS POSSIBLE LICENSING AND/OR

RULES OR REGULATIONS FOR ATV USE ON COUNTY ROADS: Roberta Rothwell appeared before the Board and requested that the Commission invoke regulations on utility vehicles, quads, dirt bikes and all other modes of motorized transportation also known as ATVs or all terrain vehicles citing issues such as noise, reckless operation, lack of regard for private property, road damages, issues with underaged, unlicensed and uninsured riders and excess speed; she suggested that regulations be invoked including

registration of the vehicles, the requirement that riders be licensed and meet minimum age requirements, that mandatory insurance be required and that identifiable exemptions for such uses as ranching or farming be allowed. Commissioner Fransway stated that this is an action that is long overdue and discussed SB 394 legislation passed by the 2009 Legislature relative to OHVs (Off Highway Vehicles); he continued stating that the County should adopt some sort of an ordinance with teeth in it to allow the Sheriff to enforce laws that need to be enforced as these are unlicensed vehicles which are not street legal and there is no place for them on the County or State roads; he suggested working with stakeholders such as industry, users and others to work on getting this done and suggested that the item needs to be put on a future agenda to find out where to start. Chairman Giordano asked legal counsel about a remark made by Ms. Rothwell that the County can do above what the State's requirements are as a County. Deputy District Attorney Elquist said she would have to review the actual law that was recently passed and she would look into it. Discussion occurred regarding SB 394. Chairman Giordano suggested that the Sheriff be involved in the discussion. Commissioner Bell noted his problem with the use of ATVs without helmets. Chairman Giordano concurred and asked that the item be put on a future agenda for further discussion with all parties who would be involved. The Board concurred.

REVIEW AND DISCUSSION OF A LETTER FROM DAVID SELESNICK, OWNER, HI DESERT RV REGARDING COMPETITION FROM THE WINNEMUCCA EVENTS CENTER RV PARK:

Administrator Deist stated that Mr. Selesnick was not able to attend today's meeting and suggested the item be continued until Mr. Selesnick could be present. The following motion was made by Commissioner Fransway and passed unanimously:

To continue this item to another meeting when Mr. Selesnick can be present.

PLANNING MATTERS:

SET TO PUBLIC HEARING RH-10-03 - A zone change request submitted by Desert Mountain Surveying as agent for Maximiliano and Maria Herrera to rezone property from RR-13 MH (Rural Ranchette District 13,000 square foot minimum lot size with Mobile Home Combining District overlay) to R-1-6 MH (Single - Family Residential District 6,000 square foot minimum size with Mobile Home Combining District overlay). Property is located at Walther Lane and Turner Lane. APN #10-364-03 and 10-364-04; Chairman Giordano read the title of the item to be set to public hearing. The following motion was made by Commissioner Cassinelli and passed unanimously:

To set to public hearing RH-10-03 at the next meeting.

SET TO PUBLIC HEARING RH-10-05 - A zone change request submitted by Jeremiah Day to rezone

property from M - 1 TPZ (Industrial with an Airport Hazard Combining District - Traffic Pattern Zone overlay) to NC-R TPZ (Neighborhood Commercial/Rural District with an Airport Hazard Combining District-Traffic Pattern Zone overlay). Property is located at 6985 Rose Creek Road. APN #13-251-01 and 13-251-21 (a reversion to acreage was recorded 5/19/10); Chairman Giordano read the title of the item to be set to public hearing. The following motion was made by Commissioner Bell and passed unanimously:

To set to public hearing RH-10-05.

CONTINUED DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - May 17, 2010 REGULAR MEETING: The following motion was made by Commissioner Bell and passed unanimously:

To approve the minutes as written.

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

COMMON DRIVEWAYS VERSUS STAND ALONE DRIVEWAYS ON WESTMORELAND ROAD AND MATTERS RELATED THERETO: Provided to the Board for review were a copy of a memo detailing the issue from Superintendent Garrett, a copy of County Commission Meeting minutes for October 21, 1996, a copy of a letter from the Regional Planning Department to Les Martin dated November 5, 1996, a copy of the Martin parcel map and photos of the driveways being discussed. Superintendent Garrett detailed the research he had done on the issue including that in 1996 the Regional Planning Commission had recommended and the County Commission had approved the subdivision on the north side of Westmoreland with conditions for common driveways which would be paved and piped. Commissioner Fransway noted that the recommendation did not come from the RPC it was by action of the County Commission. Superintendent Garrett continued detailing what had occurred with the Richardson property and the installation of an additional driveway at 4595 Westmoreland Dr. by Clinton Richardson prior to 2008 following receiving approval from the Building Department and the Road Department, the request in May of 2010 by Clinton Garrett for an encroachment permit to add an additional driveway at 4655 Westmoreland Drive and the subsequent denial of that request per the conditions set in 1996 and additional attempts to install new driveway approaches in the area; he noted that at some point in the future he would anticipate development of the property directly across the street from the properties being discussed and requested direction from the Board on the issue of common driveways and stand alone driveways. Discussion occurred regarding the requirement to pave the common driveways. Commissioner Bell commented on his understanding that the common driveways were required due to the traffic and speed limit on the road so if

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there will be more development it is even more critical to maintain the requirement. Superintendent Garrett asked how the Board wanted to handle the issue with the Richardson property as it is already installed and Mr. Richardson went through the proper process. Discussion occurred regarding the location of the Richardson driveway compared to the common driveway. Clinton Richardson appeared before the Board and explained the purpose for installing the stand alone driveway including the distance of the walk to the gate due to medical issues and the congestion at the common driveway; he discussed the steps he had taken to get approval for installing the driveway including speaking to a supervisor at Road Department and providing a drawing of the plan after which the person had told him to go ahead; he stated that he did not know that a permit was needed or he would not have proceeded. Commissioner Fransway discussed why the County Commission had made the requirement for common driveways stating that the intention was for Westmoreland Road to be an industrial road with a higher speed limit; he commented that the requirement should have become a deed restriction on the land but apparently it did not; he stated that he did not think it would be responsible for the Commission to allow for individual property access on that road not if it is being used as industrial. Chairman Giordano asked if there was any language which covered medical hardship. Superintendent Garrett stated not to his knowledge. Commissioner Fransway suggested that a legal opinion needs to be obtained as to what the Commission can do as to open it up with the potential for development on the other side which will create an issue and a problem with the amount of access to that high speed road. Commissioner Bell agreed stating that the Commission can't arbitrarily state that someone can when they can't. Superintendent Garrett stated that Mr. Richardson had offered a possible solution suggesting that the pipe be moved down and an extension be placed on it and it will still be a common driveway, his opening will just be wider at that point; he stated it could be done in house. Discussion occurred regarding the location of the common driveway and how the suggestion would work. Mr. Richardson stated that his wife would not be pleased but that he understood and if the Commission wanted him to pull out the stand alone driveway he would. Chairman Giordano stated that Superintendent Garrett's suggestion could be a solution and then the County must stick to the common driveway requirement. A.L. Brinkoetter addressed the Board regarding the situation noting the reason Westmoreland Road was developed as an industrial route to allow trucks to bypass Winnemucca, the need for the higher speed limit, the hazards posed by individual driveways and by the barriers installed by Mr. Richardson, his opposition to any extension due to safety issues. Mr. Richardson responded commenting on issues with safety including problems with OHV usage in the area and his belief that the speed limit and industrial use are not problems with the stand alone driveways. Commissioner Fransway noted that it is outside the law to drive an

unlicensed vehicle on a County road including the shoulder and that an OHV ordinance is going to be addressed in the future but suggested that the County could place signs on the shoulder of Westmoreland to state no OHV or ATV use to help with the problem. Commissioner Fransway stated that as Mr. Richardson is agreeable the stand alone driveway should be removed and the common driveway be reinstated in accordance with Humboldt County road practices. Discussion occurred regarding the traffic count on Westmoreland Road. Commissioner Bell agreed with Commissioner Fransway's suggestion. Commissioner Cassinelli stated that the Commission needs to stick with the policy that was established in 1996. Chairman Giordano noted that had occurred a few meetings ago when the speed limit was increased back to 45 MPH per that policy. The following motion was made by Commissioner Fransway:

That the Commission directs the Road Superintendent to reinstall the common driveway and once that has been reinstated then remove the private drive and do that to County standards.

Superintendent Garrett noted that the common driveway is still place. The following amended motion was made by Commissioner Fransway:

To reinstate the common driveway at 4595 Westmoreland Road in accordance with County standards.

Superintendent Garrett asked if that would include the extension. Discussion occurred regarding what the extension would do, that it would be a longer culvert, that the wall would be removed and the width of the driveway. Mr. Brinkoetter spoke regarding the increased length of the culvert and requested that the County go back to what is there now which is the same as all the other driveways and eliminate the one that is the hazard. Commissioner Fransway asked the Superintendent if he believed the extension was necessary. Superintendent Garrett responded that the opening is only about sixteen feet so two cars could not pass but if it is extended to between twenty-four and thirty feet then two cars can pass and there are no issues with getting trailers or anything in and out. Commissioner Fransway stated that decision could be left to the discretion of the Road Superintendent. Commissioner Cassinelli concurred noting that what Superintendent Garrett suggested seemed to make it safer. The Clerk read Commissioner Fransway's amended motion. Chairman Giordano called the motion to a vote and it passed unanimously.

REQUEST FROM DESERT MOUNTAIN SURVEYING AS AGENT FOR PATRICIA D. QUILICI FOR A WAIVER FOR THE PARCEL MAP IMPROVEMENT STANDARDS FOR PARCELS WITHIN 1/2 MILE OF THE CITY AND FOR REQUIREMENT FOR PAVED ACCESS: Provided to the Board for review was a letter from John H. Milton III of Desert Mountain Surveying detailing the

request and a copy of the parcel map for the area. Superintendent Garrett explained that the policy for new sub-splits or new developments is a paved approach on the driveways so that is what he had noted for the Regional Planning Commission requirements but that no other driveways in the area are paved so the applicant is requesting a waiver. John H. Milton, III, spoke in support of the request for a waiver of paved approach noting that a parcel map is being done for three existing residences which are on one lot, this will not add anymore traffic to the area, the lots/houses and driveways are already in place and this will just separate the parcel into three lots; he concurred that there are no other paved approaches in the area. Mr. Milton continued and spoke in support of the request to waive the requirement to place curb, gutter and sidewalks on a portion of Nancy and Walther Streets noting that there are currently no curbs, gutters or sidewalks in the area. Chairman Giordano noted that the purpose of the ordinance was for "new" developments and this is existing. The Board concurred. The following motion was made by Commissioner Amos and passed unanimously:

To approve the waiver for the Quilici property since it has been grand fathered in to include the requirement for paved access and the requirement for curbs, gutters and sidewalks.

REVIEW AND POSSIBLE SETTING TO PUBLIC HEARING PETITION OF TAXPAYERS AND FREEHOLDERS IN THE MATTER OF THE CLOSURE OF BRUCE DRIVE WITH FORMER ACCESS OFF UNITED STATES HIGHWAY 95.

Provided to the Board was a copy of the Petition of Taxpayers & Freeholders In the Matter of the Closure of Bruce Drive with Former Access Off United States Highway 95 filed with the County Clerk May 17, 2010 (original attached) and a memorandum from District Attorney Russell Smith advising that the Commission take no action on this petition as the Petitioners are asking the Board to take action on an issue outside its jurisdiction per NRS 405.195(7). Discussion occurred regarding the District Attorney's recommendation. Commissioner Bell stated that he would go along with the District Attorney's recommendation. The following motion was made by Commissioner Bell:

That the Commission follow the District Attorney's advice and take no action in this matter and not set this to public hearing in accordance with NRS 405.195(7).

Cleve Mallory questioned how if the closure is not on County jurisdiction how did the Commission vote to take it out. The Board responded that they did not vote to take it out. Discussion occurred regarding the action previously taken by the Commission regarding the closure of the access for Bruce Drive from US 95. Mr. Mallory commented on the actions taken by the Commission and his understanding of the County Commission's control of every road in their jurisdiction. Administrator Deist commented on the action taken by the Commission and actions taken by the holder of the access permit and the Nevada Department of

Transportation. Mr. Mallory commented on the traffic study he had provided. Commissioner Fransway stated that Mr. Mallory's issue was with NDOT not with Humboldt County. Chairman Giordano called Commissioner Bell's motion to a vote and it passed unanimously.

REPORT OF PENDING ROAD DEPARTMENT PROJECTS: Superintendent Garrett reported on work being done on railroad crossings, the grading of roads, the bid for the Jungo Road Project and a meeting regarding the agreement between Newmont and the Ruby Pipeline Project for maintenance of Midas Road.

MISCELLANEOUS ROAD RELATED MATTERS: Chairman Giordano informed Superintendent Garrett about an issue with drainage at the shooting range and suggested that Superintendent Garrett meet with Kent Arrien regarding the matter.

NEGOTIATIONS WITH HUMBOLDT COUNTY LAW ENFORCEMENT ASSOCIATION:

CLOSED SESSION IN ACCORDANCE WITH NRS 288.220 FOR DISCUSSION WITH MANAGEMENT REPRESENTATIVES:

POSSIBLE APPROVAL OF CONTRACT WITH HCLEA FOR FY 2009-2010 OR LONGER:

Administrator Deist stated that there was nothing to bring before the Board regarding this item at this point. Chairman Giordano recessed the meeting at 11:56 a.m. for lunch to reconvene at 1:30 p.m.

REQUEST FROM NEVADA RURAL HOUSING AUTHORITY FOR THE TRANSFER OF HUMBOLDT COUNTY'S UNUSED PRIVATE ACTIVITY BOND CAP ALLOCATION FOR 2010:

A copy of the proposed resolution was provided for the Board's review. D. Gary Longaker Executive Director of the Nevada Rural Housing Authority appeared before the Board. Mr. Longaker provided a copy of the NRHA 2009 Annual Report to the Board. Mr. Longaker spoke in support of the request and detailed planned projects for the year. After discussion the following motion was made by Commissioner Fransway and passed unanimously:

To transfer the Humboldt County 2010 unused Private Activity Bond Cap Allocation as requested.

(Resolution No. 06-14-10)

ACCEPTANCE OF RENEWAL PROPOSAL FROM NEVADA PUBLIC AGENCY INSURANCE POOL (POOL) AND APPROVAL OF PAYMENT FROM FISCAL YEAR 2010-2011 FUNDS:

Provided to the Board for review was a copy of the proposed Insurance Renewal Summary of Services. Stephen Romero with Wells Fargo Insurance and Doug Smith with the Nevada Public Agency Insurance Pool appeared before the Board. Mr. Romero reviewed the proposed renewal including the costs and other policies also covered such as the Treasurer's Bond, the non-owned aircraft policy, the Denio airstrip liability

policy, the Landfill Financial Assurance Program Policy and the Workers Compensation Program Policy. Mr. Smith offered comment on Pool/Pact and what is offered through the program. After discussion the following motion was made by Commissioner Fransway and passed unanimously:

To approve the renewal proposal from Nevada Public Agency Insurance Pool and to approve payment from fiscal year 2010-2011 funds.

POSSIBLE CLOSED MEETING UNDER NRS 241.030 TO CONSIDER THE PERFORMANCE OF THE HUMBOLDT COUNTY PUBLIC DEFENDER MATT STERMITZ: Chairman Giordano asked for a motion to go into closed session. The following motion was made by Commissioner Amos and passed unanimously:

To go to closed session.

After the closed session the following motion was offered by Commissioner Fransway and passed unanimously:

To go back into open session.

PUBLIC COMMENTS: Chairman Giordano asked for public comment. None offered.

ADJOURNMENT: Chairman Giordano adjourned the meeting at 3:34 p.m.

ATTESTED: _____

J. Sperso

Clerk

APPROVED: _____

Ch. Giordano

Chairman

MEMORANDUM

TO: COMMISSIONERS
FROM: ADMINISTRATOR
DATE: June 8, 2010
SUBJECT: CONSENT AGENDA

ACTION: Approval of the consent agenda is requested pursuant to the following staff recommendations:

1. Request for Adjustment to the Humboldt County Real Property Tax Roll: Attached are requests 09-10-39 through 09-10-41 for your review.

Recommendation: That the Commission approve the adjustment as recommended by the Assessor and Treasurer.

2. Authorize the Chairman's signature on the contract between UNR, Humboldt County and The City of Winnemucca for staff assistance for the Humboldt Development Authority: Each year we contract with UNR for a portion of the Small Business Development Center staff for Humboldt Development Authority. Attached is the contract which is the same as in the past.

Recommendation: That the chairman be authorized to sign the contract.

3. Receipt of the Clerk's 1st quarter 2010 report: Attached is the report as prepared by the Clerk.

Recommendation: That you acknowledge receipt of the report.

ABSTRACT OF THE VOTES
OF
HUMBOLDT COUNTY

STATE OF NEVADA

POLLED AT THE

PRIMARY ELECTION

HELD

JUNE 8, 2010

FILED JUNE 14, 2010

Tami Rae Spéro
HUMBOLDT COUNTY CLERK

STATE OF NEVADA)

COUNTY OF HUMBOLDT)

I, TAMI RAE SPERO, County Clerk of said County, do hereby certify the foregoing to be a full, true and correct Summary Report of said County, polled at the Primary Election held June 8, 2010, relating to votes cast for Congressional, Legislative, County and Nonpartisan Offices; and I hereby further certify that the whole number of votes cast in said County, and the whole number of votes for each candidate is set forth as the total of each of the respective columns, as said summary appears entered in the Record of the Proceedings of the Board of County Commissioners of said County, now in my custody.

Witness my hand and Official Seal this 14th day of June, A.D. 2010.

Tami Rae Spéro
Tami Rae Spéro, County Clerk

ORIGINAL

PRIMARY ELECTION

June 8, 2010

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HUMBOLDT COUNTY

Primary Election 2010

FINAL RESULT

Registration & Turnout	6,050	Voters
Election Day Reporting Turnout	1,815	30.00%
Absentee Reporting Turnout	130	2.15%
Early Vote Reporting Turnout	1,308	21.62%
Total ...	3,253	53.77%

Non Partisan Registration & Turnout	0	Voters
Election Day Reporting Turnout	251	0.00%
Absentee Reporting Turnout	12	0.00%
Early Vote Reporting Turnout	136	0.00%
Total ...	399	0.00%

Democrat Registration & Turnout	0	Voters
Election Day Reporting Turnout	394	0.00%
Absentee Reporting Turnout	33	0.00%
Early Vote Reporting Turnout	369	0.00%
Total ...	796	0.00%

Republican Registration & Turnout	0	Voters
Election Day Reporting Turnout	1,170	0.00%
Absentee Reporting Turnout	85	0.00%
Early Vote Reporting Turnout	803	0.00%
Total ...	2,058	0.00%

DEM - U.S. Senator-2010	(15)	15/15 100.00%
Under Votes:	8	
Over Votes:	0	
HAMILTON, EDUARDO "MR. CLEAN"	45	5.71%
MILLER, ALEX	99	12.56%
POLIAK, CARLO	18	2.28%
REID, HARRY	464	58.88%
NONE OF THESE CANDIDATES	162	20.56%
Total ...	788	100.00%

DEM - Rep in Congress, District 2	(15)	15/15 100.00%
Under Votes:	105	
Over Votes:	0	
DEHNE, DENIS "SAM"	84	12.16%
MCKENNA, KEN	305	44.14%
PRICE, NANCY	302	43.70%
Total ...	691	100.00%

DEM - Governor	(15)	15/15 100.00%
Under Votes:	23	
Over Votes:	1	
CONQUEST, FREDERICK L.	152	19.69%
REID, RORY	377	48.83%

DEM - Governor (cont'd...)	(15)	15/15 100.00%
NONE OF THESE CANDIDATES	243	31.48%
Total ...	772	100.00%

DEM - Lieutenant Governor	(15)	15/15 100.00%
Under Votes:	25	
Over Votes:	0	
GOODMAN, ROBERT E. "BOB"	88	11.41%
MURAD, PAUL	54	7.00%
RANDAZZO, ROBERT S.	57	7.39%
SFERRAZZA, JESSICA	464	60.18%
NONE OF THESE CANDIDATES	108	14.01%
Total ...	771	100.00%

REP - U.S. Senator-2010	(15)	15/15 100.00%
Under Votes:	14	
Over Votes:	4	

ANGLE, SHARRON	713	34.95%
BERNSTEIN, GARY	4	0.20%
CHACHAS, JOHN	165	8.09%
CHRISTENSEN, CHAD	67	3.28%
LOWDEN, SUE	454	22.25%
MABEY, GARN	1	0.05%
MARINCH, GARY	3	0.15%
NADELL, BRIAN	1	0.05%
PARSON, BILL	19	0.93%
STERN, CECILIA	7	0.34%
SUOMINEN, TERRY	3	0.15%
TARKANIAN, DANNY	529	25.93%
NONE OF THESE CANDIDATES	74	3.63%
Total ...	2,040	100.00%

REP - Rep in Congress, District 2	(15)	15/15 100.00%
Under Votes:	54	
Over Votes:	1	
COLLETTI, PATRICK J.	387	19.32%
HELLER, DEAN	1,616	80.68%
Total ...	2,003	100.00%

REP - Governor	(15)	15/15 100.00%
Under Votes:	23	
Over Votes:	0	
ATWOOD, TONY	27	1.33%
GIBBONS, JIM	632	31.06%
LUSAK, STAN	17	0.84%
MONTANDON, MICHAEL L.	181	8.89%
SANDOVAL, BRIAN	1,098	53.96%

PRIMARY ELECTION

June 8, 2010

HUMBOLDT COUNTY

Primary Election 2010

REP - Governor (cont'd...)	(15)	15/15	100.00%
NONE OF THESE CANDIDATES		80	3.93%
Total ...		2,035	100.00%

REP - Lieutenant Governor	(15)	15/15	100.00%
Under Votes:		53	
Over Votes:		1	

KROLICKI, BRIAN K.		1,394	69.56%
WOOLLEN, BARBARA LEE		388	19.36%
NONE OF THESE CANDIDATES		222	11.08%
Total ...		2,004	100.00%

REP - State Controller	(15)	15/15	100.00%
Under Votes:		143	
Over Votes:		1	

DAGANI, GREGORY NANCE		481	25.13%
HERR, BARRY		722	37.72%
NONE OF THESE CANDIDATES		711	37.15%
Total ...		1,914	100.00%

REP - Attorney General	(15)	15/15	100.00%
Under Votes:		124	
Over Votes:		0	

BARRICK, TRAVIS		815	42.14%
HAFTER, JACOB		501	25.90%
NONE OF THESE CANDIDATES		618	31.95%
Total ...		1,934	100.00%

REP - State Assembly Dist. 33	(6)	6/6	100.00%
Under Votes:		57	
Over Votes:		1	

ANDRUS, DALE E.		95	31.88%
ELLISON, JOHN		203	68.12%
Total ...		298	100.00%

REP - County Comm. Seat E	(15)	15/15	100.00%
Under Votes:		40	
Over Votes:		2	

ARANT, JOHN		357	17.71%
BROWN, RICH		184	9.13%
DOUGLAS, BILL		78	3.87%
FRENCH, JIM		668	33.13%
HUMMEL, MEL		670	33.23%
KELLER, MARSHALL		59	2.93%

Total ... 2,016 100.00%

REP - District Attorney	(15)	15/15	100.00%
Under Votes:		135	
Over Votes:		0	

SMITH, RUSSELL		1,186	61.67%
STERMITZ, MATT		737	38.33%
Total ...		1,923	100.00%

Univ. Board of Regents Dist 8	(15)	15/15	100.00%
Under Votes:		449	
Over Votes:		1	

FEEST, MARK		467	16.66%
MELCHER, KEVIN C.		822	29.33%
PUCCINELLI, MARGARET		1,514	54.01%
Total ...		2,803	100.00%

Member State Bd. Of Education Dist. 10	(15)	15/15	100.00%
Under Votes:		749	
Over Votes:		0	

FERRY, CLIFF		2,504	100.00%
Total ...		2,504	100.00%

Humboldt County Hospital Dist Trustee, 1	(15)	15/15	100.00%
Under Votes:		215	
Over Votes:		2	

ELDRIDGE, JENNIFER		693	22.83%
GOURLEY, JOSEPH D. "DAVE"		1,048	34.52%
HAMMARGREN, WILLIAM J. "BILL"		1,295	42.65%
Total ...		3,036	100.00%

School Board Trustee Seat A	(15)	15/15	100.00%
Under Votes:		575	
Over Votes:		0	

HILL, JOHN		2,678	100.00%
Total ...		2,678	100.00%

School Board Trustee Seat C	(15)	15/15	100.00%
Under Votes:		650	
Over Votes:		0	

BETTERIDGE, BOYD		2,603	100.00%
Total ...		2,603	100.00%

PRIMARY ELECTION

June 8, 2010

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HUMBOLDT COUNTY

Primary Election 2010

School Board Trustee Seat G (15) 15/15 100.00%

Under Votes: 549

Over Votes: 0

SEELIGER, JOHN A. 2,704 100.00%

Total ... 2,704 100.00%

Sheriff - HUMBOLDT - NP (15) 15/15 100.00%

Under Votes: 23

Over Votes: 4

DAVIDSON, BOB 153 4.74%

KILGORE, ED 2,088 64.72%

ROREX, ANDY R. 985 30.53%

Total ... 3,226 100.00%

UNOFFICIAL

MEMORANDUM

TO: COUNTY COMMISSIONERS
FROM: COUNTY ADMINISTRATOR
DATE: June 8, 2010
SUBJECT: OTHER INFORMATION AND UPCOMING MEETINGS

OTHER INFORMATION:

1. Nuisance 4370 Sunny Drive: Attached is a letter stating that the nuisance is abated and also the report from the Building Department confirming the abatement.
2. Filing of minor County Roads: NRS 403.190 (3) allows a private individual to file with the County Recorder a map with a road outlined in black thus making it a minor County Road. On May 20, 2010 John Delong filed several of these in the area of his ranch. As you are aware we are not required to maintain a minor road.

UPCOMING MEETINGS:

1. June 16, 2010 Management Team
2. June 28, 2010 Commission

Petition of Taxpayers

&

Freeholders

FILED

2010 MAY 17 AM 11:16

TAMI RAE SPERO
DIST. COURT CLERK

IN THE MATTER OF THE CLOSURE OF BRUCE DRIVE WITH FORMER ACCESS OFF
UNITED STATES HIGHWAY 95

SUMMARY OF REQUEST FOR PETITION

Bruce Drive, was an accessory road to which provided access to private property and or business that was close on or about the months of May or June 2006. Since the closure of Bruce Drive there has been a direct and unequivocal impact upon the benefit to the public and public safety with regard to public safety. This direct impact is in the form of Emergency Medical Service and Fire Fighting/Suppression. By the closure of Bruce Drive and the conditions of all other accessory roads in and around the properties located on Bruce Drive this will have a substantial and detrimental effect upon the timely responses that will be vital to the mitigation of any loss or damage to property or persons.

Further, by the County closing the road, Bruce Drive, this is believed to have a direct impact upon the property values of the residences within the affected area(s) as well as the afore mentioned public safety concerns.

It is Further believed that the County closed the road in violation of state law and without proper public hearing(s).

A public Road is defined under NRS:

405.191 "Public road" defined; county roads and highways may be established on rights-of-way over certain public lands. As used in NRS 405.193 and 405.195, "public road" includes:

1. A United States highway, a state highway or a main, general or minor county road and any other way laid out or maintained by any governmental agency.
2. Any way which exists upon a right-of-way granted by Congress over public lands of the United States not reserved for public uses in chapter 262, section 8, 14 Statutes 253 (former 43 U.S.C. § 932, commonly referred to as R.S. 2477), and accepted by general public use and enjoyment before, on or after July 1, 1979. Each board of county commissioners may locate and determine the width of such rights-of-way and locate, open for public use and establish thereon county roads or highways, **but public use alone has been**

and is sufficient to evidence an acceptance of the grant of a public user right-of-way pursuant to former 43 U.S.C. § 932.

3. Any way which is shown upon any plat, subdivision, addition, parcel map or record of survey of any county, city, town or portion thereof duly recorded or filed in the office of the county recorder, and which is not specifically therein designated as a private road or a nonpublic road, and any way which is described in a duly recorded conveyance as a public road or is reserved thereby for public road purposes or which is described by words of similar import.

County Commissioners are afforded the ability to close accessory roads permanently under certain conditions, of which these are defined as:

405.203 Closure or restriction of use.

1. The State Forester Firewarden or the board of directors of a fire protection district may temporarily close or restrict the use of an accessory road when the danger of fire arising from use of the road so requires. The closure or restricted use may not restrict, impede or preclude the use of the road by a public utility in maintaining, constructing or operating any of its facilities.

2. A board of county commissioners may permanently close an accessory road in its county when the public safety or welfare so requires. Before permanently closing an accessory road, the board of county commissioners shall hold a public hearing. The board shall give written notice of the time and place of the hearing to each owner of land served by the road, and to each stock raiser known to use the road. The board shall also publish the notice in a newspaper of general circulation in the county for 3 successive weeks before the date set for the hearing.

3. Following the hearing, the board of county commissioners shall not close the road unless the benefit to public safety or welfare from its closing outweighs the detriment to owners of land served by the road, to raisers of livestock using the road and to the general public.

4. If the permanent closing of an accessory road deprives an owner of access by road to the owner's land, the public agency closing the road shall pay the owner just compensation for the owner's loss.

The parties petitioners would like to point out that any closure by the County Commissioners must be made in accordance with Item 2 only when the public safety or welfare so requires. Thus the closure of Bruce Drive has been done in an action that acts to the detriment to the public welfare and safety of the residents.

Further item 4. Affords the owners that have been deprived of access be due just compensation for the owners loss.

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