

Monday, August 2, 2010

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, August 2, 2010, at 9:30 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 - JUNE 28, 2010 AND**

**JULY 12, 2010:** The following motion was made by Commissioner Bell and passed unanimously:

*To approve minutes of June 28, 2010.*

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

*To approve minutes of July 12, 2010.*

**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. Approval of Chairman's signature on the 5310 3<sup>rd</sup> Party Agreement for the Senior Transportation Program: A copy of the proposed agreement was provided for the Board's review. Administrator Deist noted that the agreement is similar to prior years and had been reviewed by legal counsel. *Recommendation: That the Commission authorize the Chairman to sign the agreement.*
2. Approval of requests for adjustments to the Humboldt County Real Property Tax Roll: Requests 10-11-01 through 10-11-15 were provided to the Board for review. *Recommendation: That the Commission approve the adjustments as recommended by the Assessor and Treasurer.*
3. Approval of an amended Resolution placing on the November General Election an Advisory Question regarding local revenues as proposed by the Nevada Association of Counties (NACO): A copy of the amended resolution which now includes the arguments for and against was provided to the Board for review. *Recommendation: That the Commission adopt the attached resolution.*
4. Community Development Block Grant Notice of grant award, County Certification Letter for the Futures Scenario/Strategic Planning Project: A copy of the Community Development Block Grant Notice of Grant Award and the County Certification Letter for the Futures Scenario/Strategic Planning Improvements Project were provided to the Board for review at the meeting. *Recommendation: That the Commission approve the documents as submitted and authorize the*

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*Chairman to sign them.*

5. Request for review/modification of landfill assessment: A copy of the request for Bidauretta was provided for the Board's review. *Recommendation: That the adjustment be approved as recommended by the Landfill Committee.*

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

*To approve the Consent Agenda as presented by staff.*

*(Resolution No. 08-02-10)*

**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 and Commissioner Amos had attended a meeting regarding the BLM's Resource Management Plan and there will be a presentation of the plan at the Commission's August 16<sup>th</sup> meeting.

**MISCELLANEOUS REPORTS AND CORRESPONDENCE:**

**OTHER INFORMATION AND UPCOMING MEETINGS:** Administrator Deist informed the Board that appraisals on the Professional Building and on the house behind the Court House on Melarkey Street had been received so the property owners will be contacted and an attempt will be made to reach an agreement that can be brought before the Commission at the August 16<sup>th</sup> meeting. Administrator Deist reported on an excursion he had went on with Jim Jeffress into the Blue Lakes area regarding the Wilderness Study Areas. Upcoming meetings and dates of importance were discussed.

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

**THEY SERVE ON:** Commissioner Bell discussed Humboldt Development Authority and Scenario Planning. Commissioner Cassinelli discussed a recent WCVA meeting. Commissioner Amos discussed a Humboldt River Basin Water Authority meeting he had attended. Commissioner Fransway requested that an item be placed on the agenda for a report from him regarding activities at the National Association of Counties (NACo) annual conference; he continued discussing a meeting he had attended of the Legislative Committee on Public Lands including concern that had been expressed regarding action taken by El Paso Gas related to the Ruby Pipeline and an agreement which they have entered with Western Watershed Project; he noted that a meeting was planned for August 12<sup>th</sup> in Salt Lake City regarding the issue but asked that a special meeting of the County Commission be called for August 9<sup>th</sup> to pass a resolution opposing the agreement so the resolution could be presented at the August 12<sup>th</sup> meeting; he noted that had invited

representatives of El Paso Gas to the August 16<sup>th</sup> meeting of the Commission to discuss the issue. Discussion occurred between the Commissioners regarding holding a special meeting and inviting El Paso Gas to send representatives to that meeting to discuss the issue. The Board agreed to hold a special meeting on August 9<sup>th</sup>.

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

*To approve the claims for expenditure list.*

**COMPTROLLER/AUDITOR'S OFFICE:**

**ADOPTION OF THE DEBT MANAGEMENT POLICY ANNUAL UPDATE:** A copy of the proposed Debt Management Policy Annual Update was provided to the Board for review. Administrator Deist explained that this is an annual requirement but noted that currently Humboldt County has no debt. The following motion was made by Commissioner Cassinelli and passed unanimously:

*To approve the resolution adopting the July 1, 2010 update to the Debt Management Policy.*

*(Resolution 08-02-10a)*

**ADOPTION OF THE 5 YEAR CAPITAL IMPROVEMENT PLAN:** A copy of the five year Capital Improvement Plan was provided to the Board for review. Administrator Deist reviewed the annual requirement including the addition of items for the Road Department. The following motion was made by Commissioner Cassinelli and passed unanimously:

*To adopt the five year capital improvement plan as presented.*

*(Resolution No. 08-02-10b)*

**REQUEST FROM THE SHERIFF'S OFFICE FOR A WAIVER OF THE ATTRITION POLICY FOR A VACANCY IN THE PATROL DIVISION FOR A NORTH RESIDENT DEPUTY:** Sheriff Ed Kilgore appeared before the Board. Sheriff Kilgore explained that the Deputy assigned to McDermitt had resigned and spoke in support of the request to fill the position. Commissioner Fransway stated that the County Commission would consider the waiver if the applicant hired is someone who would live in McDermitt. After discussion the following motion was made by Commissioner Fransway and passed unanimously:

*To grant the request to waive the attrition policy for the Sheriff for a resident deputy in*

*McDermitt contingent on that deputy living in McDermitt.*

**REQUEST FROM THE PUEBLO FIRE DISTRICT FOR ASSISTANCE IN PAYING FOR THE PHYSICAL REQUIRED UNDER LEGISLATION APPROVED IN THE 2009 SESSION OF THE**

**NEVADA LEGISLATURE:** Provided to the Board was a copy of a letter of request from the Pueblo Fire District Board asking for the County's assistance in covering the cost for five fire department volunteers physicals which totaled \$1,970.00; the Board noted that they had the money budgeted to cover the cost however they were planning to construct a building to house the fire truck on the south end of the fire district as the truck is currently parked outside and would like to save the monies for that project. Administrator Deist reviewed the request for the Board. Commissioners Bell, Cassinelli and Amos supported the request. Commissioner Fransway commented that he would support helping this year due to the capital project but he would ask that the District put it in the budget for next year. After discussion the following motion was made by Commissioner Bell and passed unanimously:

*To approve the payment of \$1,970.00 to the Pueblo Fire District.*

Chairman Giordano noted that discussion had occurred previously about going to the Legislature to get something done to help the rural districts on this requirement; he asked that an item be agendaized pretty soon to discuss this issue with Assemblyman Goicoechea.

**ADOPTION OF UPDATE TO THE HUMBOLDT COUNTY PERSONNEL POLICIES:** A copy of the updated policies were provided to the Board for review. Administrator Deist discussed the updates noting that some are at the request for the auditors and some are at the direction of POOL/PACT. The following motion was made by Commissioner Bell and passed unanimously:

*To adopt the updates to the Humboldt County Personnel Policies of 2010.*

**REQUEST FROM NEVADA DEPARTMENT OF WILDLIFE (NDOW) FOR SUPPORT OF THE CHIMNEY RESERVOIR FISHERY MANAGEMENT IMPROVEMENT ACTION INCLUDING DRAINING OF THE RESERVOIR:** *(No legal counsel present for this portion of the meeting)* A copy of a letter from Cody Byrne Fisheries Biologist with the Nevada Department of Wildlife detailing the request (see attached) and a copy of an e-mail from Brad Schultz, Cooperative Extension Agent supporting the request were provided to the Board for review. Cody Byrne addressed the Board regarding the request discussing the current status at Chimney Reservoir, the South Fork of the Little Humboldt and the North Fork of the Little Humboldt including the situation with the carp. Mr. Byrne spoke in support of the proposal and explained the inspection process and the time frame for the process and the treatment of the noxious weeds in the area which will be accomplished in conjunction with the draining of Chimney. Gary Bengochea of Nevada First Corporation spoke in support of the plan but noted concerns regarding the amount of the release of water and the timing. Mr. Byrne responded to the questions. Richard Brock the Farm Manager for Nevada First Corporation commented on the stock water issues. Audience member Craig Carver asked

questions regarding the reason for this action. Mr. Byrne responded. Audience member Jim French commented on the historical perspective for this action and stated his support. Chairman Giordano commented on his concern that the noxious weeds in the area be hit hard. Larry Hollinshead of Nevada Carp spoke in support of the proposal. After discussion the following motion was made by Commissioner Fransway and passed unanimously:

*That due to the extenuating circumstances that exist right now and due to the probable benefits to the fishery and the control of noxious weeds upstream that the County support the Chimney Reservoir Fishery Management Improvement Action including draining the reservoir as described contingent upon NDOW working with all the stakeholders to receive the ultimate benefit of downstream use.*

Mr. Byrne noted that Steve Del Soldato of the Nevada Division of Water Resources had requested a letter from the Commissioners authorizing him to release the water from Chimney Reservoir.

**ELIZABETH ASHBY AND KAREN JOHNSON FROM THE DIVISION OF EMERGENCY MANAGEMENT TO DISCUSS THE DEVELOPMENT OF A FEMA GRANT APPLICATION FOR A TRI-COUNTY (HUMBOLDT, PERSHING, LANDER) LOCAL HAZARD MITIGATION PLAN:**

Copies of the Local Mitigation Plan Review Crosswalk, an outline of the hazard mitigation planning process, a outline of funding impacted by the plan and a brochure entitled Unified Hazard Mitigation Assistance Program in Nevada were provided to the Board for review. Elizabeth Ashby, Karen Johnson and Sheriff Ed Kilgore appeared before the Board. Ms Ashby addressed the Board regarding the potential for grant funding and the uses for those funds. Ms. Johnson discussed the other Counties that are involved in the program. Sheriff Kilgore offered support of the proposal. Discussion occurred regarding the match being provided by in-kind actions. After discussion the following motion was made by Commissioner Amos and passed unanimously:

*That Humboldt County will participate in the Tri-County Local Hazard Mitigation Plan.*

*(Deputy District Attorney Elquist returned to the meeting at 11:26 a.m.)*

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

**APPROVAL OF COOPERATIVE ROAD MAINTENANCE AGREEMENT BETWEEN THE BUREAU OF LAND MANAGEMENT (BLM) AND HUMBOLDT COUNTY:** A copy of the proposed agreement was provided to the Board for review. Superintendent Garrett appeared before the Board and reviewed the current agreement as to the Little Owyhee Road, Greeley Crossing and Soldier Meadows Road and explained what will occur with this amendment with the BLM maintaining Soldier Meadows Road every

year and the County maintaining Little Owyhee every year. Based on an inquiry from the Chairman Deputy District Attorney Elquist confirmed that she had reviewed the document and it was fine. The following motion was made by Commissioner Cassinelli and passed unanimously:

*To approve the amendment to the Cooperative Road Maintenance Agreement between Humboldt County and BLM.*

**DISCUSSION OF FENCING ON SHELTON LANE ALONG PROPERTY OWNED BY FRED**

**MILLER:** Superintendent Garrett reviewed a map prepared by Desert Mountain Surveying of the existing right-of-ways on the road. Commissioner Cassinelli stated that he had wanted this on the agenda as something needed to be done; he suggested that the fence just go on the County's right-of-way but noted he did not know what would be done where the road goes into Leland Miller's property to leave enough room so he can get into his road; he noted issues with the Miller Loop but stated that in his mind this is just about keeping the cows from drifting onto Shelton Lane and going into the Marvel's property; he questioned if the Commission was in agreement with that or if they just did not want to do it at all. Superintendent Garrett discussed two issues on the Leland Miller end of the road. Discussion occurred regarding the issue with the turn into Leland Miller's property with regards to the proposed fence line. Leland Miller appeared before the Board to discuss the issues with the turns. Discussion occurred regarding moving the road to follow the County's right-of-way, the location of the fence, the possibility of moving a portion of Leland Miller's fence to allow for the turn, the County grading the road into Leland Miller's property and what the effect would be if the abandonment order is no good. Administrator Deist suggested that he could work with Deputy District Attorney Elquist on getting the legal issues straightened out. Discussion regarding the issue of the turn continued. Commissioner Fransway asked if Fred Miller would grant an easement to the County to help shorten the turn. Fred Miller appeared before the Board to discuss issues with the turn and to view the map. Commissioner Cassinelli asked Fred Miller if the turn that is currently on his property could stay as is or if he wanted the County to take it out and move it down to the tip of his property. Fred Miller stated that what was there could stay. Commissioner Cassinelli stated that is what he wants to do but then everything else would remain on the County, the County would not be taking that property from Fred going up to Leland's, where he has to turn into the house, the County would have to move the road to the north. Superintendent Garrett noted the road would need to be moved to the south in another area on Shelton down by the lower curve. Chairman Giordano suggested that Superintendent Garrett meet with Fred Miller at the site to show him exactly what is being proposed to see if he is in agreement and the matter be brought back to the August 16<sup>th</sup> meeting. The Board concurred. Paul Miller appeared before the Board to question his access to his

right-of-way; he discussed actions taken by the Commission in 1973. Discussion occurred regarding the abandonment of Miller Loop. Paul Miller questioned if it was a legal abandonment as it was not properly notified. Administrator Deist noted that when the survey was done there was no record of any right-of-way being granted by anybody. Commissioner Cassinelli questioned if the County even had a right-of-way to abandon. Superintendent Garrett stated that the County had a road through prescriptive right that was maintained by the County. Paul Miller questioned if the County abandoned the road how would he access his property as there would be no legal right-of-way. Superintendent Garrett noted that was a different issue than the fence. Paul Miller agreed. Chairman Giordano stated it was a legitimate issue and should be placed on an agenda for discussion. Discussion occurred regarding the issues with the road resulting from what occurred in 1973, the purchase of the property by Fred Miller and the abandonment done in 2001. Paul Miller stated the fencing should be placed along the three sides. Discussion occurred regarding the right-of-way on Shelton Lane and the abandonment in 2001. Chairman Giordano stated he wanted this matter researched and brought back at the August 16<sup>th</sup> meeting or as soon as possible. Chairman Giordano further suggested that Superintendent Garrett meet with Paul Miller at the site to discuss the issue. Commissioner Cassinelli stated he would like to be present at both the meeting with Fred Miller and with Paul Miller and the Road Superintendent. Chairman Giordano stated he wanted the meetings to occur including the meeting with County legal counsel and that the matter try and be brought back at the August 16<sup>th</sup> meeting.

**REPORT OF PENDING ROAD DEPARTMENT PROJECTS:** Superintendent Garrett updated the Board on the Jungo Road Project; discussion ensued regarding the time frame and the costs. Superintendent Garrett discussed the dust palliative treatment done to Hershell Road; discussion occurred regarding the product. Superintendent Garrett discussed the grading that had occurred in County.

**MISCELLANEOUS ROAD RELATED MATTERS:** Commissioner Fransway stated that he had received a complaint regarding the cattle guard and a blow out on Sand Pass Road. Discussion occurred regarding the road.

**POSSIBLE AWARD OF BID ON PREVIOUS BOOK MOBILE TRUCK OR TRAILER:** Administrator Deist stated that no bids had been received so the items would go to auction at a later date.

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

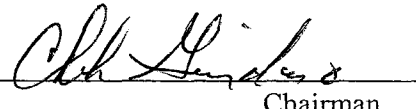
**ADJOURNMENT:** Chairman Giordano adjourned the meeting at 12:31 p.m.

ATTESTED:



Clerk

APPROVED:



Chairman

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