

Monday, November 22, 2010

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, November 22, 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, Special Counsel to the Commission O. Kent Maher, Administrator Bill Deist and Clerk of the Board Tami Rae Spero.

**DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - OCTOBER 4, 2010**

**REGULAR MEETING, OCTOBER 18, 2010 REGULAR MEETING AND THE NOVEMBER 8, 2010**

**REGULAR MEETING:** The following motion was made by Commissioner Amos and passed unanimously:

*To approve the minutes of Monday, October 4, 2010.*

Commissioner Fransway offered a correction to the minutes of October 18, 2010. The following motion was made by Commissioner Fransway and passed unanimously:

*To approve as corrected.*

Commissioner Fransway offered a correction to the minutes of November 8, 2010. The following motion was made by Commissioner Bell and passed unanimously:

*To approve the minutes for November 8, 2010 with the amendment as Commissioner Fransway has asked for.*

**PUBLIC COMMENTS:** Chairman Giordano asked for public comments. Marlene Brissenden addressed the Board regarding the local initiative question which was approved at the 2010 General Election and asked how the Commission would implement the change and if it could be placed on the next agenda. Administrator Deist stated that upon review of statute it would appear that there is no action for the Commission to take as the initiative amended the ordinance. Mr. Maher concurred. Commissioner Fransway noted that the wording referred to the Commission and the Council and noted why the issue should not involve the Council as any other landfills would be located outside the City limits, that the Council should only be included if the issue involved the Regional Landfill. Discussion ensued regarding the language of the initiative which passed.

**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 10-11-26 through 10-11-30 were provided to the Board for review. *Recommendation: That the Commission approve*

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*the adjustments as recommended by the Assessor and Treasurer.*

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

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

**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 informed the Commission that Dave Gourley who had been elected to Seat A on the Hospital Board at the November 2, 2010 General Election had resigned from his seat elect by providing a letter of resignation to the Clerk, a copy of which was provided to the Board for review; he stated that advertising for the position has begun so an appointment can be made by the Commission in December. Administrator Deist informed the Board that Robert Edwards had resigned from the Regional Planning Commission, a copy of the letter of resignation was provided to the Board for review; he stated that advertising for the position has begun so an appointment can be made by the Commission in December. Upcoming meetings and dates of importance were noted for the Board. Administrator Deist stated that Kent Arrien had contacted him to compliment the Road Department on work they had done at the shooting range.

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

**THEY SERVE ON:** Commissioner Cassinelli reported on a WCVA meeting he had attended. Commissioner Fransway reported on the Nevada Association of Counties (NACO) annual conference and meetings he had attended there including action taken by the NACO Board of Directors related to a resolution regarding SPICE.

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

*To approve the expenditure list for the expenditure of County funds.*

**REPORT FROM ED SAMPSON, CHIEF JUVENILE PROBATION OFFICER, REGARDING THE POSSIBLE FORMATION OF A STATEWIDE COMMISSION/COMMITTEE TO ADDRESS**

**JUVENILE JUSTICE REFORM:** Provided to the Commission was a copy of a letter sent by Chief Juvenile Probation Officer Ed Sampson to the Nevada Supreme Court providing requested public comment on the Committee on Statewide Juvenile Justice Reform. Chief Sampson appeared before the Board and

detailed the history of the Juvenile Detention Alternative Initiatives, what is occurring with the program currently and the concerns of the Sixth Judicial Court about the plan. Chief Sampson requested that if requested the Commission consider recommending his appointment to the Commission to offer insight on the rural perspective; he noted that at this time this is only for informational purposes. Following discussion Chairman Giordano asked Chief Sampson to keep the Board informed.

**SHERIFF'S OFFICE:** Sheriff Ed Kilgore and Undersheriff Curtiss Kull appeared before the Board.

**PRESENTATION OF COMMENDATIONS TO DEPUTIES IN RECOGNITION OF THEIR ACTIONS DURING THE PERSHING COUNTY ASSIST ON OCTOBER 20, 2010:** Sheriff Ed Kilgore presented Sheriff's Medals of Merit for actions taken in a Pershing County assist on October 20, 2010 to Sergeant Andy Rorex, Deputy Will Bourland, Deputy Damon Kuskie, Deputy Kevin Malone, Deputy Don Darlington, Deputy Brandon Esch, Reserve Deputy Pat Songer, Reserve Deputy Tony Shelton; he also presented Sheriff's Command Awards to Deputy Victor Castaneda and Deputy Carole Duncan.

**REQUEST FOR WAIVER TO ATTRITION POLICY FOR AN ANTICIPATED VACANCY IN THE DETENTION FACILITY:** Sheriff Kilgore appeared before the Board and explained that Deputy Jeff Casalez has left the Detention facility to go to the Winnemucca Police Department; he continued stating that with current staffing the facility is pretty bare bones and the amount of overtime that would be necessary to cover duties would be costly; he noted that the current staffing has been previously evaluated and it is known that the number is the minimum. After discussion the following motion was made by Commissioner Cassinelli and passed unanimously:

*To waive the attrition policy for the position in the Detention Center due to public safety.*

**LIQUOR BOARD - LICENSE APPLICATION OF NOLAN EDWARDS DBA DIAMOND INN IN DENIO:** Sheriff Kilgore provided application packets to the Board for their review. Sheriff Kilgore called the Liquor Board to order at 10:11 a.m. Sheriff Kilgore presented the information for a liquor license application for Nolan Edwards doing business as the Diamond Inn in Denio, Nevada noting that the application is still pending the approval of fingerprints from the FBI and issuance of a County business license so he would request that the Board consider allowing Mr. Edwards a conditional liquor license which would be revoked if the fingerprint reports are not acceptable or if the business license is not obtained. The following motion was made by Commissioner Fransway and passed unanimously:

*To grant the liquor license to Nolan Edwards for an operation at the Diamond Inn in Denio contingent upon a positive fingerprint and a business license being acquired.*

A motion to adjourn the Liquor Board was offered by Commissioner Bell and passed unanimously.

The Liquor Board adjourned at 10:14 a.m.

**ADOPTION OF A RESOLUTION DIRECTING THE COUNTY ASSESSOR TO TAKE CERTAIN ACTIONS REGARDING THE SECURED TAX ROLL:** A copy of the proposed resolution was provided to the Board for review. Administrator Deist noted that this is an annual action which is required by statute. The following motion was made by Commissioner Bell and passed unanimously:

*To adopt the resolution directing the County Assessor to take certain actions regarding the secured tax roll.*

*(Resolution No. 11-22-10)*

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

**PUBLIC HEARING ON TH-08-02 - An ordinance adding Chapter 16.18 to the Humboldt County Code to address division of land into large parcels including sections related to intent and purpose, scope, tentative map requirements, Planning Commission review, final map requirements, Board of Commissioners review, appeals and other matters properly related thereto:** A copy of the proposed ordinance and a copy of the Notice of Public Hearing were provided to the Board for review. Mrs. Lawrence reviewed the proposed changes for the Board and recommended approval. Commissioner Bell asked if the document had been reviewed by legal counsel. Mrs. Lawrence stated that the ordinance had been drafted by Deputy District Attorney Angie Elquist prior to her departure. Mr. Maher recommended that the use of the word "party aggrieved" in 16.18.070 be changed to "person aggrieved" to be consistent with Nevada Revised Statute; he also pointed out the use of "final decision" of the Planning Commission in 16.18.070 noting that the Planning Commission only has one decision so it might be more appropriate to use "the decision"; he continued noting concern with the term "person aggrieved" as no where in statute is that term defined. Chairman Giordano asked for public comment. John H. Milton, III of Desert Mountain Surveying appeared before the Board and noted that he represents a number of companies and individuals who deal with large parcel map applications. Mr. Milton noted concern with 16.18.060 as under State law a reason must be given for disapproval indicating what can be changed to allow the map to be approved. Mr. Maher agreed that State law required that and stated that the County cannot change that requirement by County ordinance. Discussion occurred regarding what State law required and how the requirements are carried out. Mr. Maher agreed that the denial in County code should at least mirror the State law. Discussion occurred regarding how to include that language in the ordinance. Mr. Maher suggested that the language read "...or disapprove the map, in accordance with Nevada Revised Statute 278.4725, as amended from time to time,

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unless....". The Board concurred with the recommendation. Discussion occurred regarding the need for an appellat process for the Planning Commission's recommendations on the large parcel maps, the difference between tentative and final approval and the language that will be placed on final maps regarding split estates and access. The following motion was made by Commissioner Cassinelli and passed unanimously:

*To accept this ordinance adding chapter 16.18 to the Humboldt County Code with changes as discussed that addressed the division of land into large parcels.*

*(Ordinance 11-22-10)*

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

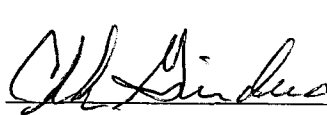
**REPORT OF PENDING ROAD DEPARTMENT PROJECTS:** Superintendent Garrett reported to the Commission on road grading, pipe installation at the shooting range, the cleaning of cattle-guards, the moving of sand drifts on Sand Pass Road, pothole repair, that Hunewill had completed the paving on Jungo Road but that additional work is still required and that he is waiting to hear from the BLM regarding the proposed access to Bruce Drive previously discussed. Discussion occurred regarding the Jungo Road Project.

**MISCELLANEOUS ROAD RELATED MATTERS:** Superintendent Garrett informed the Board that the Road Department would go on the winter schedule beginning November 29<sup>th</sup>. Discussion occurred regarding the status of the Shelton Lane fencing project, snow plowing and the attempt to lessen the occurrence of berms in driveways and the status for pothole repair on Herschell.

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

**ADJOURNMENT:** Chairman Giordano adjourned the meeting at 11:01 a.m.

ATTESTED:   
Clerk

APPROVED:   
Chairman

MEMORANDUM

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TO: COMMISSIONERS  
FROM: ADMINISTRATOR  
DATE: November 15, 2010  
SUBJECT: CONSENT AGENDA

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

1. Request for adjustments to the Humboldt County Real Property Tax Roll: Attached are requests 10-11-26 through 10-11-30 for your review.

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

**MEMORANDUM**

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**TO:** COUNTY COMMISSIONERS  
**FROM:** COUNTY ADMINISTRATOR  
**DATE:** November 15, 2010  
**SUBJECT:** OTHER INFORMATION AND UPCOMING MEETINGS

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**OTHER INFORMATION:**

1. Hospital Board resignation: At the November 2, 2010 General Election Dave Gourley was elected to Seat A on the Hospital Board. He has not been sworn in and has chosen to resign. As a result you will need to make an appointment for a two year term. We have started to advertise for this position so you can interview and appoint in December. Attached is a memo from the Clerk notifying you of this resignation.
2. RPC resignation: At your last meeting I notified you that we had this resignation. Attached is the letter we received from Mr. Edwards. We are also advertising for this position so you can interview and appoint in December.

**UPCOMING MEETINGS:**

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|----------------------|----------------------------------|
| 1. November 25, 2010 | County Holiday                   |
| 2. November 26, 2010 | County Holiday                   |
| 3. November 30, 2010 | Insurance Committee              |
| 4. December 3, 2010  | POOL/PACT HR Oversight Committee |
| 5. December 3, 2010  | Retirement Party for Comptroller |
| 6. December 6, 2010  | Commission                       |