

Monday, March 7, 2011

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, March 7, 2011, at 9:30 a.m. in the regular place of meeting at the Courthouse, Winnemucca, Nevada. Those present were Chairman Garley Amos Jr., Commissioners Mike Bell, Dan Cassinelli, Tom Fransway and Jim French, District Attorney Michael Macdonald, Administrator Bill Deist and Clerk of the Board Tami Rae Spero.

**DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - JANUARY 25, 2011**

**SPECIAL MEETING, FEBRUARY 7, 2011 REGULAR MEETING AND FEBRUARY 22, 2011**

**REGULAR MEETING:** Administrator Deist noted that the February 22<sup>nd</sup> meeting minutes have not yet been submitted by the Clerk for approval. No corrections offered for the January 25, 2011 special meeting. The following motion was made by Commissioner Bell and passed unanimously:

*To approve the January 25<sup>th</sup> retreat minutes as written.*

Commissioner Fransway offered corrections to the meeting minutes for February 7, 2011. The following motion was made by Commissioner Fransway and passed unanimously:

*To approve the February 7<sup>th</sup> minutes as corrected.*

**PUBLIC COMMENTS:** Chairman Amos asked for public comments. John Siegfried offered comment regarding recent actions taken by Commissioner Fransway in sending a letter to the Governor on County letterhead without discussion at an agenda meeting by the full Board; he discussed his issues with the action including it being in conflict with the standards of operation for the County, it being a possible violation of the Open Meeting Law and that the opinions stated were the Commissioner's own and not the Board's. Mr. Siegfried called for Commissioner Fransway to step down and asked the Commission to take steps including acknowledging that the letter was not the Board's but Commissioner Fransway's personal opinion, sending a letter to the Governor and the Director of the Department of Conservation and Natural Resources stating the same, notifying the Judge in the current lawsuit of the same and censuring Commissioner Fransway's actions. Mr. Siegfried suggested that to obtain further public input an agenda public meeting needs to be held.

Commissioner Fransway commented on Mr. Siegfried's comments being a personal complaint about his conduct as it relates to official business as a County Commissioner and he asked that the matter be placed on the next agenda as "A Complaint on Commissioner Fransway's Conduct as it Relates to Official Business as a County Commissioner - Discussion and Action".

Chairman Amos asked if the Board wanted to take action on this matter now. Administrator

Deist stated that the Board could not take action today but direction can be given to put it on the next agenda. Chairman Amos stated action would be taken on another date. Commissioner Cassinelli asked if that wasn't what Commissioner Fransway had asked. Commissioner Fransway confirmed he had. Commissioner Bell questioned if that should be pending approval from legal counsel noting that he did not have a problem with it being placed on the agenda but given the lawsuit it should be approved by legal. Commissioner Fransway stated if that is the case legal counsel can make that statement at that time.

**ADMINISTRATIVE REPORT:**

**CONSENT AGENDA:** The following items were presented under the consent agenda by Administrator Deist for the Board's review/action:

1. Appointment to the Orovada Community Service District: A letter requesting appointment from Gary Hogue was provided to the Board for review. *Recommendation: That the Commission appoint Gary Hogue to this Board.*
2. Appointment to the Pueblo Fire District Board: A letter requesting appointment from Ralph Schade was provided to the Board for review. *Recommendation: That the Commission appoint Ralph Schade to this Board.*
3. Appointment to the Paradise Valley Sewer District Board: A copy of an e-mail requesting appointing from Stephanie Huseboe was provided to the Board for review. Administrator Deist noted that a request for appointment had also been received from Scott Huseboe for this Board and the matter has been referred to legal counsel to determine if spouses can serve on the same Board. *Recommendation: That the Commission appoint Stephanie Huseboe to this Board.*  
The following motion was made by Commissioner Cassinelli and passed unanimously:  
*To appoint the three people and when legal finds out if Scott's able to serve the Board will vote on him.*

**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 Ranger Jeff Ulrich will be in later in the meeting to offer an update regarding the Santa Rosa District.

**2011 LEGISLATIVE MATTERS: POSSIBLE FORMULATION OF COUNTY TESTIMONY/INPUT ON PROPOSED LEGISLATION, RESPONSE TO LEGISLATIVE COMMITTEE REQUESTS, NACO LEGISLATIVE REQUESTS FOR INFORMATION AND**

**RELATED MATTERS:** Administrator Deist discussed amendments proposed for AB 141 the fire fighter physical bill, a conference call which had occurred with the Speaker Ocegüera regarding social service grants, the proposed job creations and role for local government, tax abatements including county involvement and discussion regarding the sweeping of County reserves which the Speaker indicated he had not heard anything on. Administrator Deist noted that he had handed out information provided by the Legislative Counsel Bureau related to redistricting and the process that would be followed, a copy of SCR 1 which is the Pine Forest Resolution and a newspaper article referencing comments by Assemblyman Goicoechea; he noted upcoming hearings and information provided through NACO regarding workforce reductions at the County level. Discussion occurred regarding SB 86 the bill which would remove eminent domain rights from mining companies including comments by Commissioner Fransway regarding how detrimental this bill would be to the mining industry. Commissioner Fransway asked if there would be time for the Board to take action opposing the bill in some fashion before the next scheduled hearing. Administrator Deist suggested action could be taken today and noted the language of the agenda. Commissioner Fransway asked for an opinion from District Attorney Macdonald. District Attorney Macdonald stated that the Commission could take a position today but that it would be beneficial to follow it up with more specificity at a future meeting noting the language of the agenda regarding formulation of County testimony/input. Commissioner Fransway asked if the rest of the Board had enough information regarding SB 86 to make a decision today. The Board agreed that they did. John Milton III offered public comment on how sparingly eminent domain is actually used and voiced his opposition to the bill noting that things can be put into the law to address the concerns of the bill's proponents. District Attorney Macdonald stated that from the standpoint of the Board instructing the Administrator to submit information in the form of a letter stating the Board's position he does not believe another meeting is necessary but if the Board wants to do a more formal approach such as adopting a resolution related to this matter than that would need to be done at another meeting. Commissioner Fransway offered the following proposed motion:

*That the County officially opposes SB86 and send letters to the Chair and members of the Commerce and Labor Committee.*

District Attorney Macdonald stated he was fine with the motion as offered. Administrator Deist noted the bill is out of Committee and is on the floor. Commissioner Fransway stated the letter should still go to the Committee which heard the bill. Commissioner Cassinelli clarified that the letter would oppose the whole bill. The Board concurred. Commissioner Fransway stated so moved as to the

proposed motion. Chairman Amos called the motion to a vote and it passed unanimously.

Administrator Deist suggested that the rest of the Administrative Report be continued until later in the meeting as it was time for the 9:45 a.m. item and Ranger Ulrich was present. Chairman Amos concurred.

**UPDATE FROM JEFF ULRICH, SANTA ROSA DISTRICT RANGER, REGARDING THE**

**SANTA ROSA DISTRICT ACTIVITIES:** District Ranger Jeff Ulrich appeared before the Board. Ranger Ulrich provided a handout to the Board detailing continuing programs, projects in planning and future emphases (see attached) and reviewed the handout with the Board. Discussion occurred between the Board and Ranger Ulrich regarding range management with the Forest lands as related to Secretary Salazar's newly adopted Wild Lands Policy, the administration of the funds related to the Secured Rural Schools program, the snow pack on Hinkey Summit, another presentation before the Commission in June and the Martin Basin Environmental Impact Statement comment period.

**APPROVAL OF AGREEMENT WITH DR. ROBBIE GRANT FOR MEDICAL SERVICES AT THE DETENTION FACILITY:**

A copy of the proposed agreement was provided to the Board for review. Sheriff Ed Kilgore appeared before the Board. Administrator Deist noted that this item had been before the Board previously and had been referred back to legal counsel for some changes which had been done and agreed to by the parties. Sheriff Kilgore spoke in support of the request. The following motion was made by Commissioner Cassinelli and passed unanimously:

*To authorize the Chair to sign the agreement with Robbie Grant and the Detention Facility.*

**ADOPTION OF RESOLUTION DECLARING A NUISANCE LOCATED AT 4650 WEST WINNEMUCCA BOULEVARD FOR PROPERTY OWNED BY ROBERT AND BEVERLY SHELL:**

A copy of the proposed resolution was provided to the Board for review. Administrator Deist noted that this item had been before the Commission at the prior meeting and the Board had made the determination that a nuisance existed at this location and this is the resolution, drafted by the Clerk's Office and reviewed by the District Attorney's Office, which when adopted by the Commission begins the process for the time period to get the nuisance abated. The following motion was made by Commissioner Bell and passed unanimously:

*To adopt the Shell resolution finding a nuisance at 4650 West Winnemucca Boulevard.*

*(Resolution No. 03-07-11)*

**REQUEST FOR A WAIVER TO THE ATTRITION POLICY FOR A PART TIME LIBRARY ASSISTANT POSITION WHICH IS VACANT AT THE LIBRARY:** Library Director Sheri Allen

appeared before the Board. Director Allen spoke in support of the request noting that this position has been open since the end of December when Jeff Marcinik retired and the department has been readjusting personnel since that time but the shortage is difficult to cover. Commissioner Cassinelli commented on the attrition policy and the discussion related to getting rid of it or beginning to enforce it, which would mean the library, would need to wait to fill the position. Director Allen noted that this will maintain the number of employees the Library has had, it will not increase the number. Upon comment by Commissioner Bell regarding the position being vacant since the end of December Administrator Deist noted that this is a 120 day position. Commissioner French stated his agreement with some of the public comment offered previously regarding the policy as to maintaining the policy as a tool to have the ability to react when conditions are such; he continued noting the success of the policy and the struggle faced by the Board when department heads are requesting to fill positions; he suggested that unless there is a compelling reason from a budget perspective not to allow the policy to be waived in both this case and other requests he would be in favor of waiving. Commissioner Fransway commented that as the position has been open for 60 days the worst that could occur is the position would need to go another 60 days before the request to fill can be made; he noted this is clearly not a public safety position. Director Allen disagreed noting security issues at the Library. Commissioner Fransway noted that if this position was considered public safety then all agencies would fall under that heading. Discussion occurred regarding the duties of the position and the current issues in the department with the shortage of staff, that the Library is very important and has been doing a very good job for the community and that the Library is down four employees as a result of the implementation of the attrition policy. Commissioner Bell stated that he had no problem approving the request. Commissioner French stated he could not see the benefit of going another 60 days. Commissioner Cassinelli stated he would go along with it as long as it was understood that is not what the attrition policy is. After discussion the following motion was made by Commissioner French and passed with Chairman Amos and Commissioners Bell, Cassinelli and French voting aye and Commissioner Fransway voting nay:

*That the request for a waiver to the attrition policy for a part time Library assistant position be granted.*

**ADOPTION OF A RESOLUTION RELATED TO THE SALE OF COUNTY TRUST PROPERTIES:** A copy of the proposed resolution with a list of identified properties for sale was provided to the Board for review (listing of properties proposed for sale attached). County Treasurer Gina Rackley appeared before the Board. Treasurer Rackley reviewed the twelve properties identified for

sale including a parcel which has a mobile home on it so that property will be handled in conjunction with the Assessor's Office as the personal property taxes have not been paid on the home either so both parcel and home will be sold; she noted the date scheduled for auction of April 15<sup>th</sup>. After discussion the following motion was made by Commissioner Bell and passed unanimously:

*To adopt the resolution related to the sale of the County trust properties.*

*(Resolution No. 03-07-11a)*

**CONTINUED ADMINISTRATIVE REPORT:**

**MISCELLANEOUS REPORTS AND CORRESPONDENCE:**

**OTHER INFORMATION AND UPCOMING MEETINGS:** Administrator Deist informed the Board that two proposals for the recycling grant had been received by the Landfill Committee, one from DeLong Construction and one from Atlas Towing and as the Committee had determined that both proposals had a lot of merit the Committee asked the parties to discuss combining the proposals into one which they agreed to discuss and the matter will be brought back before the Committee on March 21<sup>st</sup>. Administrator Deist updated the Board on the comptroller recruitment. Upcoming meetings and dates of importance were noted.

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

**THEY SERVE ON:** Commissioner French discussed a meeting which had occurred between the landfill operator and members of the Shooting Range Committee regarding the committee's safety concerns related to landfill operations behind the range; he noted that solutions had been discussed and the matter would come before the Commission at a later date to determine who has responsibility to carry out the proposals and to pay the costs associated with the solution. Commissioner Cassinelli reviewed for the Board a Winnemucca Convention and Visitors Authority meeting he had attended and the planned purchase of the lot across from the Convention Center for additional parking by the WCVA.

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

*To accept the expenditures as presented.*

**PRESENTATION FROM JEFF JOHNSON, HUMBOLDT COUNTY ASSESSOR, REGARDING THE POSSIBLE REPLACEMENT OF THE COUNTY PHONE SYSTEM:**

Provided to the Board for review was a memo from Assessor Johnson detailing his request to purchase a new phone system for the Courthouse, District Attorney's Office and Annex using his Assessor's Technology Fund and a copy of the specifications for the system being considered. Assessor Jeff Johnson and J.D. Ames with the County Technology Department appeared before the Board. Assessor Johnson detailed the system being

considered and reviewed the benefits. Commissioner Fransway confirmed that it would work with the current Centrex system. Commissioner Bell indicated his support for the new system. Assessor Johnson discussed the use of the Assessor's Technology Fund for the purchase. Commissioner French thanked Assessor Johnson for stepping up and taking on the project. District Court Judge Michael R. Montero spoke in support of the request. District Attorney Macdonald spoke in support of the request and discussed the benefit to his office with the upgrade. The following motion was made by Commissioner Bell and passed unanimously:

*To approve Jeff Johnson Humboldt County Assessor to go ahead and proceed with a new phone system.*

*(Chairman Amos exited the meeting at 11:05 a.m. and Vice-Chairman Bell took over the meeting)*

**PRESENTATION FROM WILLIAM GUISTI, ADMINISTRATOR/CEO, REGARDING HOME**

**HEALTH SERVICES OF NEVADA PROGRAMS:** William Guisti Administrator/CEO of Home Health Services of Nevada and Chuck Giordano Home Health Services Board member appeared before the Commission. Mr. Guisti addressed the Board regarding the Home Health Services of Nevada program including the history of the service, the locations, the services provided and the cuts expected to the budget and the effect of those cuts on services. Mr. Giordano noted that the amount requested from the County for the upcoming budget is the same as it has been in past years. Mr. Guisti continued discussing the use of funds provided as a match to grants at the State level; he asked for the continued support of the County Commission. Discussion occurred regarding continued funding at the State and Federal levels.

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

**SET TO PUBLIC HEARING THE ABANDONMENT OF A PORTION OF SHELTON LANE:**

Superintendent Garrett reviewed the process for abandonment of right-of-way. The following motion was made by Commissioner Cassinelli and passed with Vice-Chairman Bell and Commissioners Cassinelli, Fransway and French voting aye and Chairman Amos being absent:

*To set to public hearing the abandonment of a portion of Shelton Lane.*

**AWARD THE BID FOR MAGNESIUM CHLORIDE FOR THE 2011 DUST ABATEMENT:**

Provided to the Board for review were the bid packets submitted by Crop Production Services Inc. and WRR Industries Inc., a memo reviewing the bids and offering recommendation from the Road Superintendent (see attached) and a copy of the magnesium chloride & Durablend projections for 2011. Superintendent Garrett reviewed the bids including the products set forth in the bids, the application rates,

the roads to be treated and the total bid amounts. Following review he recommended that a combination of traditional magnesium chloride and Durablend be applied as indicated in the projection documentation with the bid awarded to WRR for a combination award cost of \$119,244.76. Superintendent Garrett noted that this year everything that has been done in the past can be covered but this may be the last year that will occur due to rising costs. The following motion was made by Commissioner Cassinelli and passed with Vice-Chairman Bell and Commissioners Cassinelli, Fransway and French voting aye and Chairman Amos being absent:

*To approve the bid for WRR as recommended.*

**REPORT OF PENDING ROAD DEPARTMENT PROJECTS:** Superintendent Garrett reported on snow plowing, grading, cattle guard cleaning and repair, pipe installation, the annual herbicide application and noted that the agreement for the Eden Valley Bridge repair should be forthcoming.

**MISCELLANEOUS ROAD RELATED MATTERS:** Discussion occurred regarding the long term plans for Jungo Road just past the Cyanco turnoff.

**JOINT MEETING BETWEEN THE HUMBOLDT COUNTY COMMISSION AND THE WINNEMUCCA CITY COUNCIL:** Present on behalf of the Winnemucca City Council were Mayor DiAn Willis-Putnam, Councilmen Joyce, Sheen, Rich Stone, Doug Cain, Paige Brooks and Jim Billingsley, City Manager Steve West and City Attorney O. Kent Maher.

**POSSIBLE JOINT PURCHASE OF A HANGER OWNED BY RANDY MCCOY AND LEASED TO THE BLM AT THE WINNEMUCCA AIRPORT:** Provided to the Board and Council for review was a memorandum from City Manager/Engineer Steve West and County Administrator Bill Deist detailing the purchase proposal for the McCoy hangar including background, analysis, reasons to purchase the building, reasons not to purchase the building and a staff recommendation that the Commission and Council approve the purchase (see attached). Also included was a copy of an appraisal of the building by William M Tessler, Real Estate Appraiser and Consultant. City Manager West reviewed the proposal including the background of the BLM lease, the initial consideration by the BLM to purchase the building, the appraisal obtained by the BLM setting the appraised value at \$165,000.00, the benefits to purchasing the building including the revenue from the BLM lease and the ability to control usage of the two acre property which would be critical for the long term development of a commercial airport and the reasons not to purchase the building; he offered the recommendation that the Council and Commission authorize the purchase of the hangar. Commissioner Bell questioned if the lease could be renegotiated if the City/County purchases the building. Mr. West stated that it was an assignable lease. Discussion occurred regarding the length of the lease, the ability of BLM to terminate



the lease and the ability of BLM to renew the lease. Councilman Brooks questioned why the City/County would want to go into the hangar business as that would be competing with private entities and noting that then taxpayer dollars must be used to maintain the building. City Manger West responded discussing the interests of the current owner and the City/County being the same and noting that it would just be cutting out the middleman; he noted that most of the airport hangars are utilized by the parties leasing them and are not being sub-leased out and that the property on which the hangar sits is currently leased to Mr. McCoy by the City and that lease would just go away. Councilman Sheen commented the main argument for purchase is the ability to control the destiny of the area and to control what goes in so it does not conflict with the long term plans of the airport. Mayor Willis-Putnam stated her opinion that it was a good venture and agreed with Councilman Sheen's comments regarding controlling the destiny of the area. Commissioner French questioned if there was a mechanism in place currently to terminate the lease if the City decided to change the use of the land. City Attorney Maher responded (from the audience) that there was not and reviewed the current lease agreement. Commissioner French noted concern in the past about BLM not being able to maintain firefighting aircraft at the airport due to budget constraints and asked what the fall back plan would be if something like that occurred. Manager West stated that it is a legitimate concern and there would be the ability to try and rent or lease it out to someone else; he noted that all that is needed is five years and the building would be paid for by the lease. Administrator Deist discussed what the BLM uses the building for at this time. Manager West discussed other leases with the BLM. Commissioner Fransway commented that if money is to be spent at the airport it should be spent on bringing airplanes into the airport, to help the fixed base operations to survive in this economic climate particularly in general aviation; he commented on issues with the Federal government and leases and stated that in this current economic climate the City/County have no business spending public funds at the airport on anything but bringing in aviation; he stated his opposition to the purchase noting that Mr. McCoy has a private party interested in the purchase which should be allowed to happen. Commissioner Cassinelli asked what happens to the building if the land lease with Mr. McCoy is not renewed in the future. City Attorney Maher responded (from the audience) and explained the options Mr. McCoy would have. Discussion occurred regarding the BLM usage of the facility and the reason the BLM had backed out of the purchase of the building. Councilman Stone commented that in the event the BLM cancelled the lease it would give the City/County a structure that could be used to promote economic development at the airport and which could be leased or rented to another business. Discussion occurred regarding the lease of the land as opposed to the lease of the building and other potential uses for the building. After

discussion a motion was offered by Councilman Sheen to go ahead and purchase the building at the airport and upon a call to vote by Mayor Willis-Putnam the Council passed the motion by a vote of four to one. The following motion was made by Commissioner Fransway and passed with Commissioners Cassinelli, Fransway and French voting aye, Vice-Chairman Bell voting nay and Chairman Amos being absent:

*That the Commission declines the purchase based on what has been heard today.*

**DISCUSSION REGARDING THE FILING OF THE POSITION OF PLANNING DIRECTOR**

**WHICH IS PART OF THE COST SHARE AGREEMENT:** Administrator Deist noted that there had been discussion at previous meetings about this issue and it had been determined that there needed to be discussion with the City on the issue as the position is part of the City/County Cost Share Agreement. Councilman Sheen commented that she was glad that the issue was being discussed. Councilman Stone questioned the need for the position at this time as he does not see the community growing and the current staff in the department seem to be doing an excellent job so he questioned the need to spend the money for the position at this time. Commissioner Fransway commented that a Planning Director is needed to plan for the future noting that there is a wonderful staff in the department but that they do not have the expertise to plan for the communities future and for the proper usage of the land, that someone is needed that can make this community what we know it can be; he discussed the bad experiences with previous directors and how that can be learned from, for future hiring, that the general public deserves substantial professional planning, that Humboldt is probably one of the only counties that does not have a planner on staff and that there is a duty to help this community grow the best it possibly can; he questioned why this is an issue of contention as this is a budget issue for the County Commission to discuss and act on to serve the general public and that the main opposition appears to be from real estate, maybe some construction people and perhaps even a large landfill; he stated that the director is needed now and that the position needs to be budgeted for in 2011-2012. Councilman Stone continued regarding his issues with the proposal given the lack of knowledge of what is going to occur with the State's budget and the burdens which may be imposed on the City and the County and the lack of growth in the area. Commissioner Fransway commented on the prior vote to spend money on a hangar and the option to fire the planner if necessary. Councilman Stone noted that the hangar purchase would be a one-time expense that will result in revenues and the planner is an ongoing cost. Commissioner French responded regarding the nature of the growth in the community, that the Master Plan in place called for a revision in 2010 which had not occurred, the need to anticipate future needs and growth including wildfire and urban interface, recreational plan, renewable energy overlay to the master plan, community design, conservation

and economic plans and a public lands policy plan which are not referenced in the current master plan; he commented on what a planner does noting that it is not all related to construction including advising the Regional Planning Commission (RPC) and the knowledge as to what can be referenced and included in County Code. Discussion occurred regarding referencing Federal and State regulation in County Ordinances. Councilman Sheen commented on the benefit of more involvement by the Commission in planning matters such as the approval of conditional use permits but noted her concern with hiring a planner and her belief that the position could not do all the things being discussed. Commissioner French discussed the importance of a planning director as a central hub and having someone professionally trained to move forward with the long term planning needed. Discussion occurred as to whether the amount suggested for a salary would be sufficient. Mayor Willis-Putnam noted the education and experience of the staff currently in the Planning Department and suggested perhaps additional training, outsourcing or more direction from the County/City might assist in pinpointing what we have. Commissioner French stated that his comments are not meant to degrade the Planning staff or the RPC, if they have the necessary skills and education they could apply for the job but that community and land use planning requires a certain level of education.

Vice-Chairman Bell stated that at this time due to some time constraints he would allow John H. Milton to offer public comment. John H. Milton, III addressed the Commission and Council noting that in the current financial climate he does not believe this is the time to make an expenditure of funds for this position, that while he respects Commissioner Fransway's opinion about zoning enforcement, there can be some changes made in the Building Department due to the expertise in the department to allow them to recognize zoning infractions with the proper training and they can be utilized to help enforce the ordinances in the County; he commented on his experience in working with the Planning Department and the number of directors over the years and the problem that he recognized in that they had no buy in to the community it was just a stepping stone to the next larger community, that when there was no planning director other people within the department and from the community stepped up and did the job. Mr. Milton continued discussing the number of master plans which have occurred and stated his opinion that now is not the time to spend the money and to start on a new revamp of the current master plan; he noted his agreement that items discussed by Commissioner French needed to be addressed but stated that a planner did not need to be hired to do that as there are very capable people in the department; he spoke in support of an increase to the training budget for current staff and the use of outside consultation. Commissioner Fransway stated his appreciation for Mr. Milton's comments and expertise but he

questioned the suggestion to move responsibility of enforcement to another department which has no experience in land planning and noted that increasing expenses for additional training and outsourcing is a fiscal issue as well. Mr. Milton pointed out the cost difference between hiring a director and providing additional training and outsourcing and noted how much the Building Inspectors are out in the County to allow them the ability to do actual zoning enforcement. Commissioner Fransway responded noting that enforcement is not happening and while the City might be happy with the level of planning within the City he believes it can be done better in the County and there needs to enforcement of the ordinances the Commission has passed.

Administrator Deist commented on the enforcement of medical hardship variances being done by the Planning staff. District Attorney Macdonald discussed the ability of the County to reference Federal and State regulations in County Code and whether the County would have the authority to act regarding those regulations. Commissioner French discussed how the issue was handled in Washoe County and what he saw a Planning Director doing including dealing with the Master Plan and having the foresight to see potential issues such as the groundwater contamination problem in the Grass Valley area. Councilman Cain offered comment indicating that he does not believe this is the time due to the economy that the position can wait a bit longer but he concurred with the training and outsourcing suggestions. Discussion occurred regarding Commissioner French's comments regarding the Grass Valley issue. Administrator Deist offered comment on the upcoming budget and the fact that net proceeds will not be paid this year which will result in less revenue than in the past. Vice-Chairman Bell asked for public comment.

Patty Herzog addressed the Board and Council noting that she was a former City Councilman and had also previously served on the Regional Planning Commission; she discussed her experience in the Planning Department with and without a director and offered her opinion on the planning director position and the issues that come with it; she noted that the idea of having a planning director is a great thing, that the important things a director does is follow the law and protect private property rights as well as providing professional expertise and advice to elected officials who provide leadership; she commented on the need for the Council and Commission to take that advice, the amount of institutional knowledge available in the community, the ability, if needed, to contract the services out without putting the additional employment burden on the County taxpayers for a long time, the history of Humboldt County for fiscal responsibility and the need to continue with that responsibility in the future, the need for leadership at the Commission level to implement plans and ordinances, that the RPC is made up of volunteers with expertise and knowledge who put in time and effort to the positions, the need for ongoing

training for the RPC members as has occurred in the past, the use of Building Inspectors for enforcement, that City residents are part of the County so everyone should work together; she reiterated that in these economic times our money should be used in the best way we can with utilizing current staff and providing them additional training. Commissioner Fransway responded to Ms. Herzog's comments.

Lewis Trout, a member of the RPC and the Airport Board addressed the Board and Council noting that the discussion has taken an adversarial turn that it doesn't need to as everyone agrees that we need to strive to improve the planning operation and code enforcement but how that is done is a broader topic than just the appointment or titling of one person as a planning director; he asked that this review become more extensive and discussed the two person model that is currently used in other counties as compared to what is currently occurring in this County; he continued discussing what comprises a Community Development Department noting that he does not know if we want to go that route here but noted that it sounds like there is an interest in centralizing code enforcement so that is something that should be explored. Mr. Trout stated that the single biggest issue facing the Planning Department are items pending legal review which include updates to ordinances and fee schedules and discussed the need for the District Attorney's Office to have a person dedicated to function in the role of county counsel to deal solely with civil legal matters to handle the back log; he continued discussing the efforts of the current planning staff and their current roles, the possibility of adding an associate staff person rather than a director and the need to renew the membership with the national planning association and take advantage of training offered through that group. Administrator Deist noted that the District Attorney will be coming before the Commission at their next meeting to discuss staffing issues.

Richard Cook offered public comment regarding the RPC as a committee and the ability of committees to deal with complex matters, the need for effective community planning, the need for extensive training and practice to obtain the expertise for effective planning, that community planning should not be left to a committee of lay persons, that the services of a competent community planner would have prevented the Jungo landfill as the RPC would have been apprised of issues with having a second landfill in the County, the landfill technology and site, their ability to refuse a conditional use permit and as to the opposition of County residents to the project, that community planning should not be left to people who have worked their way up as it is a discipline and the citizens deserve better than they have been getting.

Terry Miller offered public comment questioning the justification for the expenditure, noting that the position has no impact on real estate, the effort of current staff, his agreement on training and use of