

Monday, June 20, 2011

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, June 20, 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 - JUNE 6, 2011:**

Commissioner Fransway commented that under the item which discussed hiring the consultant for the Jungo Landfill issue the minutes did not state that the matter was tabled or that no action was taken; he asked if today's minutes could reflect that no action was taken on the item at the last meeting. Chairman Amos asked why that language could not be added to the prior minutes. Commissioner Fransway stated that he had spoken to the Clerk and she had indicated that as it was not said at the meeting she could not add it to the minutes. Clerk Spero concurred noting that while the Board could direct her to add the language she had not as it was not stated in the meeting. Commissioner Fransway suggested that the Chairman make a statement related to no action being taken on the item. After discussion Chairman Amos stated that no action was taken. The following motion was made by Commissioner French and passed unanimously:

*To approve the minutes as presented.*

**PUBLIC COMMENTS:** Chairman Amos asked for public comments. Rudy Herndon of the Humboldt Sun introduced himself to the Board and indicated that he would be covering the Commission meetings for the newspaper in the future. No further comment offered.

**ADMINISTRATIVE REPORT:**

**CONSENT AGENDA:** Administrator Deist stated that he had nothing to present.

**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 noted the item scheduled for 1:30 p.m. on today's agenda.

**MISCELLANEOUS REPORTS AND CORRESPONDENCE:**

**OTHER INFORMATION AND UPCOMING MEETINGS:** Administrator Deist informed the Board that based on an article in the local press it appeared that the US Postal Service has chosen not to go forward with the closure of the Orovada Post Office, that Walter Lee had resigned from the Regional

06/20/2011

Page 1 of 8

Planning Commission and so advertising for a replacement will begin and that the City of Winnemucca has provided a Notice of annexing certain properties into the City (see attached). Upcoming meetings and dates of importance were noted.

**REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES THEY SERVE ON:** Commissioner French updated the Board on the proposed cooperative agreement with the hospital related to law enforcement and fire fighters and discussed what a great opportunity it would be and how it would result in significant cost savings.

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

*To approve the claims as presented.*

**REQUEST FROM THE SHERIFF'S OFFICE TO ENTER INTO A NEW LEASE CONTRACT FOR A XEROX MULTIFUNCTION OFFICE MACHINE:** Sheriff Ed Kilgore appeared before the Board and spoke in support of the request to enter into a new lease contract for a Xerox multifunction office machine. After discussion the following motion was made by Commissioner Bell and passed unanimously:

*To allow the Sheriff's Office to enter into a new lease contract for a Xerox multifunction office machine.*

**REVIEW AND POSSIBLE APPROVAL OF CHAIRMAN'S SIGNATURE ON A CONTRACT WITH CTA ARCHITECTS ENGINEERS FOR ARCHITECTURAL DESIGN SERVICES RELATED TO THE NEW COMMUNICATION CENTER:** A copy of the proposed contract was provided to the Board for review. Administrator Deist explained the process used in selecting CTA Architects Engineers for the communication center project and stated that the work provided will help in determining if the project is feasible or not; he noted that the contract had been reviewed by legal counsel. After discussion the following motion was made by Commissioner Fransway and passed unanimously:

*To approve the contract with CTA Architects for architectural design at the new communication center and approve the Chairman to sign.*

**REQUEST FROM KIM PETERSEN FOR THE COMMISSION TO COVER THE COST OF THE FACILITIES FOR THE STATE YOUTH LIVESTOCK SHOW ON AUGUST 16-21, 2011:**

Winnemucca Convention and Visitors Authority (WCVA) Director Kim Petersen appeared before the Board. Director Petersen explained to the Board that with the closure of the Nevada State Fair the Youth Livestock Show and Auction did not have a location to proceed so he had offered the organization the

opportunity to move the event to Humboldt County; he continued stating that the WCVA had agreed to pay the facility funds for the group if the Commission does not but due to the abrupt move the group is short of funds so if the Commission paid the \$4,000.00 facility fee the WCVA could provide funds to help support the show. Director Petersen continued addressing concerns related to this event being held a couple of weeks before the Humboldt County Livestock Show and Auction and affecting the bids received at the local show; he stated that letters would be sent to local sponsors of the Humboldt County show explaining the issue. Commissioner Cassinelli addressed the concerns with the time frame between the auctions and his belief that there was a rule of the WCVA that two events similar in nature could not be held within two weeks of each other; he stated he did not support the request. Chairman Amos asked if input had been received from local 4-H leaders. Administrator Deist stated he had not heard anything. Director Petersen noted that the WCVA is committed so the show would come regardless of what action the Commission took. Commissioner French confirmed that the \$4,000.00 was to offset the facility fees; Director Petersen concurred. Commissioner Cassinelli reiterated his concern about the effect on the local event and noted how the 4-H building had been originally created. Commissioner Fransway suggested that this be something that the WCVA be allowed to do. Commissioner Cassinelli concurred. The following motion was made by Commissioner Fransway and passed unanimously:

*That due to the County's concern that it may have a conflict with our 4-H auction that the County declines to cover the cost of the facility for the State Youth Livestock Show.*

Commissioner Cassinelli apologized that he missed the WCVA meeting at which this was discussed as he would have voiced his concerns at that time and noted that he is not trying to hurt the participants of the State show but the first priority of the Commission has to be to protect the Tri-County Fair. The Board concurred. Chairman Amos noted that if it all turns out good the Commission could have a different outlook next year.

**APPOINTMENT TO THE WESTERN NEVADA HOME CONSORTIUM BOARD:** Administrator Deist noted that at a prior meeting the Commission had agreed to join the consortium so it was necessary to appoint a representative to the board; he suggested that Commissioner Bell as the Humboldt Development Authority appointee for the Commission be selected. Commissioner Bell agreed to serve. The following motion was made by Commissioner Cassinelli and passed unanimously:

*To appoint Commissioner Bell to the Western Nevada Home Consortium Board.*

**REVIEW AND APPROVAL OF FINAL LANGUAGE AND MAP FOR THE PINE FOREST WILDERNESS BILL:** Provided to the Board for review were copies of the Draft Senate Bill related to

the Pine Forest Wilderness Bill, House Report No. 101-405 H.R. 2570, the Memorandum of Understanding between the Bureau of Land Management and the Nevada Division of Wildlife related to wilderness lands and the proposed map of the Pine Forest Wilderness Area. Jim Jeffress, Back Country Lands Coordinator Sportsmen's Conservation Project Trout Unlimited, appeared before the Board. Mr. Jeffress reviewed the status of the Pine Forest Wilderness Bill for the Board including the review of the language approved at the Congressional level and discussion related to road access and adjustments including closure of a road along lower Alder Creek except for administrative use. Commissioner French commented on road closures effecting reservoir access specifically the Little Onion Reservoir. Commissioner Fransway mentioned language on page 3 of the Senate Bill related to road access and Mr. Jeffress explained. Mr. Jeffress continued discussing the Montero land exchange and other possible land exchanges related to the Alder Creek area. Discussion occurred related to concerns about grazing permittees use of the Wilderness Lands and restrictions. Matt Tuma of Senator Harry Reid's Office appeared before the Commission and discussed the issue. Discussion continued related to effect of the act on water rights, what restrictions will occur in area, adjacent management, possible restrictions to aircraft over flight, Native American cultural use, the release of wilderness study areas, wildlife management including hunting and fishing and what would occur if land exchanges are not approved. Mr. Jeffress reviewed the proposed map for the Board. Administrator Deist recommended approval of the Bill as presented. After discussion the following motion was made by Commissioner French and passed unanimously:

*To approve the final language and map for the Pine Forest Wilderness Bill as presented by Mr. Jeffress.*

Mr. Jeffress stated he would continue to update the Board on the progress through Administrator Deist.

**COMPTROLLER/AUDITOR'S OFFICE:** Comptroller Sondra Schmidt appeared before the Board.

**ADOPTION OF RESOLUTION LEVYING FISCAL YEAR 2011-2012 TAX RATE:** A copy of the proposed resolution was provided to the Board for review. Comptroller Schmidt reviewed the rates for the Board. The following motion was made by Commissioner Bell and passed unanimously:

*To adopt the resolution levying fiscal year 2011-2012 tax rate.*

*(Resolution No. 06-20-11)*

**ADOPTION OF RESOLUTION ADOPTING HUMBOLDT COUNTY FUND BALANCE**

**POLICY AS REQUIRED BY GASB 54:** A copy of the proposed resolution was provided to the Board

06/20/2011

Page 4 of 8

for review. Comptroller Schmidt reviewed the requirement of GASB 54 for the Board. Administrator Deist offered his recommendation for approval. The following motion was made by Commissioner Bell and passed unanimously:

*To adopt the resolution for Humboldt County Fund Balance Policy as required by GASB 54.*

*(Resolution No. 06-20-11a)*

**ADOPTION OF RESOLUTION FOR THE SPECIAL REVENUE FUNDS AS REQUIRED BY**

**GASB 54:** A copy of the proposed resolution was provided to the Board for review. Comptroller Schmidt reviewed the requirement for the Board. The following motion was made by Commissioner Fransway and passed unanimously:

*To adopt the resolution adopting Humboldt County Special Revenue Funds dedicated revenue sources.*

*(Resolution No. 06-20-11b)*

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

**REQUEST FROM THE SUMMIT LAKE PAIUTE TRIBE TO RECONSIDER THE INCLUSION OF CERTAIN COUNTY ROADS IN THE RESERVATION ROADS INVENTORY:**

Provided to the Board for review was a copy of a letter from the Summit Lake Paiute Tribe regarding the 2011 Summit Lake Paiute Tribe Indian Reservation Roads Inventory, a copy of a map of the roads and a copy of a proposed draft Memorandum of Agreement letter provided by the Summit Lake Paiute Tribe. Superintendent Garrett stated that he, Administrator Deist and Commissioner Bell had met with a representative of the Tribe and discussed concerns with road access issues and an assurance was received that the only toll road was on Mahogany Creek Road and that any roads receiving Federal funds would remain open and so the Tribe was again requesting to include County roads in their inventory to be able to receive Federal funding for those roads. Administrator Deist stated his understanding of the process the Tribes go through to receive road funding and that the Tribe understood that if they if they were going to be denying access or charging for access to any of the County roads that the County would not play that game and to assist with that the representative of BIA Transportation made it very plain that if there are any public dollars going into a road the public had access. Commissioner French asked what the disposition was of the road going from the Y up through Mahogany Creek as there have been federal dollars spent on the road just above the gate and that is a major access road for utilizers of the Black Rock. Superintendent Garrett stated that was not a County 2477 road so he would have to check with the

06/20/2011

Page 5 of 8

BLM. Administrator Deist concurred that the road was not in the County system. Commissioner French noted that the road has never been a fee road and has always been open to the public and is one of the only access roads on the north end of the Black Rock Mountains and that federal dollars were spent on the road after a major water event in the past. Discussion occurred regarding the location. Commissioner French noted that this effectively closes that access as there is no convenient way to get around that fee road to utilize that area and stated his concern that there is still a fee road that the public has historically used. Commissioner Bell stated that he believes that this road will not be a fee road either as anything that charges a fee cannot be included in the inventory for federal dollars so it would be in their best interest not to have any fee roads. Commissioner French discussed prior concerns of the Tribe about the utilization of public lands and their request to close the basin in question which was denied but he noted that with this restriction on access that could effectively close the basin to the public. Commissioner Bell stated that the County could certainly go back to the Tribe with the concern and they might be willing to discuss it as it would be in their best interest. Audience member John H. Milton, III, addressed the Board regarding the road in question being access for Stanley Camp and Summer Camp. Superintendent Garrett stated that he had received the final transportation plan from the Tribe which was due June 15<sup>th</sup> and they had wanted action by the Board prior to that date but that was not going to happen; the report included the letters from the Commission stating the roads would not be included and all the objections. Commissioner Bell suggested that the Commission hold off on taking action on this as the deadline has passed so there is another year to consider it especially with issues regarding the fee road and the need to review everything. Commissioner French concurred. The following motion was made by Commissioner Bell and passed unanimously:

*That at this point in time the Commission takes no action on this other than to send a letter to the Tribe stating the Commission's beliefs that the fee should be taken off that reservation road to allow public access as the Board feels the fee hampers historical access.*

Administrator Deist commented that if and when the County allows roads into the Reservation Road Inventory there needs to be a very explicit Memorandum of Understanding developed detailing what will or won't be done by all parties.

**APPROVAL OF CHAIRMAN'S SIGNATURE ON SHELTON LANE LOT LINE ADJUSTMENT**

**MAP:** John H. Milton, III of Desert Mountain Surveying, who had prepared the map on behalf of the County, appeared before the Board. Mr. Milton displayed the map for the Board and reviewed it; he

06/20/2011

Page 6 of 8

requested authorization for the Chairman to sign the map once the District Attorney has reviewed the map and the other two property owners have signed it. After discussion the following motion was made by Commissioner Bell and passed unanimously:

*To approve the Chairman to sign the Shelton Lane Lot Line Adjustment Map.*

**REPORT OF PENDING ROAD DEPARTMENT PROJECTS:** Superintendent Garrett reported on flooding issues, grading work, weed treatment and road patching. Discussion occurred regarding grading the back slopes and the need to be cautious in BLM right-of-ways due to concerns about fires and the spreading of weeds. Superintendent Garrett updated the Board on the status of the closure of the Eden Valley Bridge due to high water.

**MISCELLANEOUS ROAD RELATED MATTERS:** None offered.

*Chairman Amos recessed for lunch at 11:44 a.m. to reconvene at 1:30 p.m.*

**PRESENTATION AND DISCUSSION WITH JEANNE HIGGINS, HUMBOLDT-TOIYABE NATIONAL FOREST SUPERVISOR AND JEFF ULRICH, SANTA ROSA DISTRICT RANGER**

**REGARDING FOREST SERVICE ISSUES:** Jeanne M. Higgins Forest Supervisor Humboldt-Toiyabe National Forest and Boyd Hatch, Natural Resources Manager for the Santa Rosa District appeared before the Board (Jeff Ulrich was not present). Commissioner Cassinelli commented on the Martin Basin Environmental Impact Study and concerns about the effect of the study on grazing and the permittees. Supervisor Higgins discussed the status and history of the study and the need to analyze the effect of grazing on wilderness lands. Discussion occurred regarding the requirement for the permittees to do self monitoring, the need for cooperation in the process, where the self monitoring concept originated from, the advantages of self monitoring and what can be accomplished with self monitoring. Commissioner Cassinelli inquired about the issues with water rights on the allotments and the ability of permittees to repair water troughs. Supervisor Higgins explained limitation of ownership of water rights by the Forest Service and discussed the need to work through these issues to keep the water rights on the allotments. Manager Hatch also discussed the ability of the Forest Service to own water rights and their ability to maintain but not to move or change. Commissioner Fransway asked about the status of the Forest Service's NEPA documents. Supervisor Higgins responded as to the status and the schedule for the process. Commissioner Fransway commented on the effort of the Nevada Association of Counties to do what it can to assist in the process. Commissioner Cassinelli asked about the status of the LCT for McConnell Creek and Buffalo and the areas planned for study. Supervisor Higgins offered her belief that the intention is to stand down on that but that a formal response to the request is still coming. Discussion

occurred regarding water rights and fire management issues.

**ANNUAL PERFORMANCE REVIEW OF THE COUNTY ADMINISTRATOR AND POSSIBLE ADOPTION OF A RESOLUTION SETTING THE COMPENSATION FOR APPOINTED OFFICIALS:**

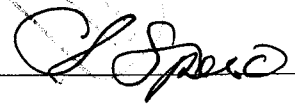
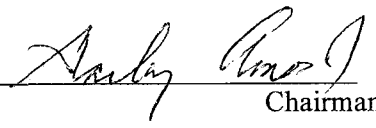
Administrator Deist explained that statute requires that the County Administrator's performance review must occur at a public meeting and noted that he had provided a copy of his self evaluation to each of the Commissioners for review. The Commissioners concurred that they had received and reviewed the evaluation. Chairman Amos suggested that the Commission set compensation for the Appointed Officials in the same amount as had been provided for the General Unit. Commissioners Cassinelli and French concurred. Commissioner Fransway commented on the need to be aware of the challenges ahead of the County due to uncertain times and funds and the uncertainty of the overall effect of what the State may do to the County; he continued commenting on the possibility of the State phasing out the Cooperative Extension program and the potential for the County to have to pick up the tab for that program as it is very important to the community. Administrator Deist noted that currently the only part of Cooperative Extension that the County does not pay for is the Extension Agent. Commissioner Cassinelli commented on the Chairman's suggestion and noted that keeps things pretty even. Administrator Deist commented on what was contained in the resolution before the Commission and stated that it matched what the General Unit had received. After discussion the following motion was made by Commissioner Cassinelli and passed unanimously:

*To approve the resolution approving the cost of living adjustment for Appointed County Officials and employees including the Administrator.*

*(Resolution No. 06-20-11c)*

**PUBLIC COMMENTS:** Chairman Amos asked for public comments. None were offered. Commissioner French commented on his approval of a letter sent by the Administrator to the University regarding the Cooperative Extension. Commissioner Bell concurred.

**ADJOURNMENT:** Chairman Amos adjourned the meeting at 2:18 p.m.

ATTESTED:  Clerk APPROVED:  Chairman



**MEMORANDUM**

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**TO: COUNTY COMMISSIONERS**

**FROM: COUNTY ADMINISTRATOR**

**DATE: June 14, 2011**

**SUBJECT: OTHER INFORMATION AND UPCOMING MEETINGS**

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**OTHER INFORMATION:**

1. Orovada Post Office: Based on an article in the Silver Pinyon it appears that the Postal Service has chosen not to go forward with the proposal to close this post office.
2. RPC resignation: We have received an e-mail notifying us of the resignation of Walter Lee from the RPC and will advertise for a replacement.
3. Annexation of property into the City: Attached is notice from the City of Winnemucca that they will be annexing certain property into the City. We do not need to take any action as it is informational only.

**UPCOMING MEETINGS:**

1. June 27, 2011 NACO Public Lands Committee
2. June 29, 2011 Special Commission
3. June 30 – July 1, 2011 Administrator Annual Leave
4. July 4, 2011 County Holiday
5. July 11, 2011 Commission

**FACSIMILE TRANSMITTAL SHEET**

DATE: June 10, 2011

TO: Michael Macdonald  
Humboldt County District Attorney  
Fax No.: 775.623.6365

Bill Deist  
Humboldt County Administrator  
Fax No.: 775.623.6302

RE: Annexation of property into City

FROM: O. Kent Maher  
Winnemucca City Attorney  
Fax No.: 775.623.2468

COMMENTS:

Mike and Bill:

This transmittal is the formal notice on behalf of the City of Winnemucca pursuant to NRS 268.670 of the City's intention to consider annexing a certain unincorporated area to the City of Winnemucca. The record owner of the affected property has petitioned the City to annex the property. Upon consideration of the request and determination that the area proposed to be annexed is contiguous to, or wholly surrounded by, the City, the City accepted the petition and agreed to proceed with the annexation. Attached is a summary sheet with the parcel number, brief property description and location of the property which will be considered for annexation, and the name and address of the property owner. I believe the statute contemplates only that the County receive notice of the intended action by the City and it does not require formal action on the proposal by the County.

The Council considered the matter and introduced an ordinance to annex the property into the City. The public hearing and adoption of the ordinance will be considered at the June 21, 2011 Council meeting. If either of you or the County Commission have questions or comments, please contact me to discuss.

Thank you.

*O. Kent Maher*

O. Kent Maher  
Winnemucca City Attorney

xc: City Manager (via facsimile @ 775.623.6321-w/ attachment)

NUMBER OF PAGES INCLUDING THIS SHEET: 2  
ORIGINAL TO FOLLOW BY MAIL: YES \_\_\_ NO X  
IF NOT PROPERLY RECEIVED, PLEASE CALL 775.623.5277

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236

APN

10-681-02

Property description/location

Lot 1 of Parcel Map for Chris J. Mitchell and Sonya C. Mitchell Family Trust Agreement within SE1/4 Sec 33, T36N, R38E, MDB&M, recorded September 15, 2003 as File No. 2003-5561 of Official Records of Humboldt County, Nevada  
Ada Vista Dr-Water Canyon Road

Property owner/address

Paul Huet and Joyce Huet  
3345 S. Highland Dr  
Winnemucca, Nevada 89445

UNOFFICIAL

