

Tuesday, November 15, 2011

A special meeting of the Humboldt County Board of Commissioners was called to order on Tuesday, November 15, 2011 at 8:00 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.

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

CONTRACTING WITH A QUALIFIED INDEPENDENT CONSULTANT FOR A TECHNICAL REVIEW AND EVALUATION OF JUNGO'S APPLICATION TO NEVADA DIVISION OF ENVIRONMENTAL PROTECTION (NDEP) FOR A CLASS 1 LANDFILL, AUTHORIZE THE CHAIRMAN TO SIGN ANY SUCH CONTRACT AND AUTHORIZE THE PAYMENT OF ANY RETAINER:

Provided to the Board for review was a proposal from G. Fred Lee & Associates a specialty environmental quality consulting firm. Commissioner French stated that, in the interest of developing an independent analysis of the technical issues surrounding the Jungo Landfill and developing a post closure risk analysis and potential remediation plan including public risks and the risk to the Humboldt County Taxpayer during the years following the post closure, before the Commission is a proposal from G. Fred Lee and Associates with a contract amount not to exceed \$10,000.00 to provide a comprehensive evaluation of the Jungo permit application and plan of design that is currently before the NDEP, to provide a complete report of that analysis for the Commission and to develop an input to the NDEP public comment period and finally to develop a post closure financial risk assessment of post closure public health risks to the County following the post closure period. The following motion was made by Commissioner French:

To contract with G. Fred Lee and Associates for a technical review and evaluation of Jungo's application to NDEP for a class one landfill, authorize the chairman to sign any such contract and to authorize the payment of retainer amounts listed in the proposal from G. Fred Lee and Associates.

Chairman Amos asked if the motion included that the contract would go to the Commission's attorneys representing the Board on the landfill issue. Commissioner French stated he could modify the motion if the Chairman would like. Chairman Amos confirmed that he would. Commissioner French offered the following amended motion:

To contract with G. Fred Lee and Associates for a technical review and evaluation of

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Jungo's application to NDEP for a class one landfill, authorize the chairman to sign any such contract and to authorize the payment of retainer amounts listed in the proposal from G. Fred Lee and Associates and to provide the final reports for analysis and review by the Commission's legal.

Commissioner Fransway questioned if the legal review would have any potential of delaying hiring Mr. Lee. Commissioner French stated that one of the reasons he was interested in Dr. Lee's proposal was his assurance that not only is he interested in preparing documents for the post closure period but also he is ready to get busy right away and had stated in the proposal that he would provide comments to the NDEP prior to the closing of the public comment period which would not hinder Jungo's permit process. Commissioner Fransway confirmed his understanding of that but noted again that any review by legal counsel could not delay getting Dr. Lee on board as he needs to get on board right away. Administrator Deist asked for clarification of Chairman Amos' suggested amendment to the motion as to whether he was requesting that the contract go to review or the report go for review after it is received from Dr. Lee. Chairman Amos stated that he meant the report. Administrator Deist confirmed that his proposal is that the report be submitted to the legal counsel for review prior to making it a public document. Chairman Amos stated yes. Commissioner Fransway questioned what legal expertise the County's legal counsel has on reviewing a scientific document but stated that as long as the time constraints are covered he didn't have a problem with it and as long as by the action today Mr. Lee can be notified he is on board and he can start work. District Attorney Macdonald stated that he had reviewed the proposed contract from Dr. Lee and that he had no concerns with the contract and he believed the Chairman's suggestion was for review of the report prior to this Board submitting its comments, if any, to the NDEP prior to December 16th the closing of that comment period and that he believes that himself as well as outside counsel are all in agreement that any comment that the Commission is to make should be done prior to the closing of that period. Chairman Amos called Commissioner French's amended motion to a vote and it passed unanimously.

PUBLIC COMMENTS: Chairman Amos asked for public comments. Phil Jacka addressed the Board and questioned the need for the study if the intent is to fight and not have a landfill here. Commissioner French responded regarding the changes which have occurred to the landfill design and that there is a potential, regardless of the litigation side of the thing, that this project or a project similar to this could come around at a later date which would need to be dealt with and he had felt with this project and still feels there was not enough information and since no one can say how the Court matter will end he

believes the County needs to weigh in on the NDEP permit and maintain standing; he commented that he had brought this matter forward previously but had backed away from the request as there was a major change in the plan of design and he had felt that the plan of design and the proposal that the applicant had settled on and the NDEP had accepted were needed to proceed. Discussion occurred as to when the County's legal counsel would have the report in relation to the NDEP public comment period and the court hearing scheduled for January and the need to provide input by an expert. Chairman Amos asked for additional public comment. Jeena Von Schott addressed the Board and read the official oath of office of the State of Nevada which had been taken by the members of the Board upon election; she discussed issues with the site and with Recology, the vote against the landfill by the voters of Humboldt County and the disaster which will result if the train is not stopped. Chairman Amos asked for additional public comment; none offered.

ADJOURNMENT: Chairman Amos adjourned the meeting at 8:16 a.m.

ATTESTED:



Clerk

APPROVED:



Chairman