

Monday, March 19, 2012

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, March 19, 2012 at 9:30 a.m. in the regular place of meeting at the Courthouse, Winnemucca, Nevada. Those present were Chairman Mike Bell, Commissioners Jim French, Dan Cassinelli, Tom Fransway and Garley Amos Jr., District Attorney Michael Macdonald, Administrator Bill Deist and Clerk of the Board Tami Rae Spero.

**PUBLIC COMMENTS:** Chairman Bell asked for public comments. Patricia Tindall, Director of the Senior Citizens' Center appeared before the Board and discussed the importance of the employees at Sonoma Industries to the transit system which is maintained by the Senior Center; she discussed the funding sources for the program and how it is funded, the importance of the numbers of riders using the service and the number of individuals served due to the Sonoma Industries program, the effect of the loss of those riders if Sonoma Industries does not continue and her support of the Sonoma Industries program. Commissioner Fransway asked that she attend the item scheduled at 10:15 a.m. related to Sonoma Industries.

Chairman Bell asked for additional public comments. Joe Ratliff appeared before the Board and discussed the steady increase in the number of feral cats in the community and at his property and the problems with the animals; he discussed his attempt to deal with the situation through the County nuisance complaint process and difficulties in doing so including that the complaint had been filed about a year ago but to date has not been followed upon, his attempts to discuss the matter with the District Attorney and his letter to the editor of the local paper regarding the issue. Chairman Bell questioned whether the nuisance process was the appropriate manner to deal with the issue as those are typically filed against an individual and the Commission directs that property owner to abate the nuisance which would not work in this situation. District Attorney Macdonald explained the current process related to the nuisance ordinance. Commissioner Fransway noted his belief that the nuisance ordinance is the proper mechanism to address the issue but asked that the item be agendaized so it can be discussed. District Attorney Macdonald noted prior discussions the Board has had related to the feral cat issue and the need to involve the Sheriff and animal control. Commissioner Fransway suggested placing the item on a future agenda for further discussion and that further information should be obtained as to what other Counties are doing related to feral cats. Chairman Bell concurred with placing the item on a future agenda. Mr. Ratliff offered his time to discuss the matter and commented on a spay/neuter subsidized program...

Chairman Bell asked for additional public comments; none offered.

3/19/2012

Page 1 of 9

**DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - FEBRUARY 21, 2012 AND MARCH 5, 2012:** Administrator Deist noted that only the minutes from February 21<sup>st</sup> are being submitted for discussion. Chairman Bell asked for corrections/additions for the minutes of February 21, 2012; none offered. The following motion was made by Commissioner French and passed unanimously:

*To accept minutes for February 21<sup>st</sup> as presented.*

*Administrator Deist suggested that due to the time and as Ranger Ulrich is present that the Board move on to item 3 and come back to item 2 later in the meeting. Chairman Bell concurred.*

**UPDATE FROM JEFFREY ULRICH, SANTA ROSA DISTRICT RANGER, REGARDING STAFFING CHANGES, 2012 PROJECTS AND OTHER MATTERS RELATED TO THE**

**DISTRICT:** Jeff Ulrich, Santa Rosa District Ranger appeared before the Board and updated the Board on what was occurring related to the local region of the forest including that currently fire budgets are being looked at to deal proactively with budget reductions including the request that the local region reduce their engines by four which would result in the Humboldt-Toiyabe Forest being designated to lose an engine and the one with the lowest statistics was the one in the Santa Rosa District stationed out in Paradise, so what has occurred is that the engine has been moved to Elko and instead of a five person crew this summer he will have a two person patrol; he explained what a patrol does noting that the engine located here will be smaller than the one sent to Elko and that the patrol's primary objective is as a look out, "smoke chaser". He continued noting that this is not the final decision on the status of the engine which is based out of Paradise, the Forest is now looking at a more comprehensive reduction across the Forest, so there will be a lot more than the one engine; that the Forest relies on "fire" to pay for a number of their fire fighting forces and as there have not been that many fires on the district as compared to many other areas, so the standing preventive fire fighting force has to be reduced so the Forest Service can afford the program. Ranger Ulrich discussed the integration of his engine into the BLM system and what the BLM provides to the Forest Service and noted that the negotiations are ongoing but they will be more comprehensive across the Humboldt-Toiyabe. Commissioner French noted the reduction in capability and questioned if cooperative agreement contracts are being cut. Ranger Ulrich said no those are unaffected. Commissioner French commented on the process used relative to making the cuts and the determination that the area does not have a history to support two engines in Paradise Valley so the cut came in the Humboldt-Toiyabe; he noted the importance of the Santa Rosa district as sage grouse habitat

3/19/2012

Page 2 of 9

and asked why, given the concerns with protecting the habitat and the population of the bird, there aren't actually more resources being brought in and voiced his opinion that we are one major fire event away from losing a very large amount of sage grouse habitat; he noted the habitat burned in the Tom Basin Fire. Commissioner French stated that he is bringing this up on the record because of his concern that in light of dramatic changes that are being imposed on the County and the people who use the public lands relative to sage grouse, that at the same time we are actually pulling one of the resources out of the County that probably could be argued could prevent one of the biggest changes to sage grouse habitats in this century - fire. Commissioner French asked if support was needed from the County in the form of a letter as he did not think the cuts should be accepted. Ranger Ulrich responded that the Commission would be best suited to provide a letter regarding the underlying consequences; he stated a question he has asked, related to this broad Forest decision, is whether, rather than just going on statistics, should what is warranted for the minimal level of staffing for the remote units be looked at because if you look only at population and wildland/urban interface, the Sierra front will wind up with all the resources. Commissioner French appreciated that approach as it makes sense relative to the history of the site but the old model fails to address a major environmental issue that is looming out there; he stated his belief that the County should support any measure to increase our capability to protect that resource not a decrease. Commissioner Fransway asked if the Forest Service was a cooperator with the Wildfire Support Group. Ranger Ulrich stated he believed they were probably through the BLM. Commissioner Fransway suggested that if the Forest Service is a cooperator through the BLM that it might be a good idea for the Service to be a full blown cooperator as there are funds available through the program and the program has a lot of support throughout the State; he questioned the need to place a formal request for a letter on a future agenda. Commissioner French commented on the need for the Commission to respond as we have been noticed that the County is going to lose resources and that with the loss of the capability of suppression there will also be a loss of capability for reclamation work under certain programs after a fire event. Commissioner Fransway suggested that the best way to support the issue would be through the Wild Fire Support Group and that they should come before the Commission with a request to oppose any reduction in fire forces from any entity. Commissioner French concurred that it was a good start and that it could be included in a letter from the Board which would convey back to the Forest budget folks the concerns of the Commission. Ranger Ulrich said that a letter outlining the specific concerns would provide him with more information to take back; he indicated that the letter could be sent to him and then he would convey it to his supervisor and fire organization. Administrator Deist asked if it was the

consensus of the Commission that a letter be prepared for Jeff regarding the concerns. The Board concurred.

Ranger Ulrich continued with the update including the seating of the Resource Advisory Committee which has been able to allocate funds to projects which are now being implemented including weed program funding, forest stewardship programs which are being implemented, the consideration of ATV cattle guards, a permanent solution for picnic tables at the Lye Creek Campground, sage grouse projects, a passport into time project on Hinkey Summit Road, cooperative horse gathers with the Tribe, the regular implementation of the weed crew, the status of the implementation of the Martin Basin decision, the issuance of allotments, that the District is reassessing the travel management plan which will include public check in before a final decision and when there is a concrete proposal he will bring it back to the Commission, that they will continue to keep the Lye Creek Campground open, road maintenance, working with a Forest Service Program "Wilderness Challenge, the status of the seeding/planting of Tom Basin and monitoring that site, the pursuit of a proposal for a snow mobile parking lot on Hinkey Summit Road, an environmental study related to aerial herbicide applications and looking at some cooperative project in the future related to cheat grass restoration.

**REQUEST FROM SONOMA INDUSTRIES FOR \$16,000 FOR THE REMAINDER OF THIS FISCAL YEAR AND \$50,000 FOR THE 2012-2013 FISCAL YEAR TO CONTINUE OPERATION OF THEIR PROGRAMS:**

Sheri Allen of the Sonoma Industries Board of Directors and Dawn Marie West Director of Sonoma Industries appeared before the Board. Ms. Allen detailed the request for the Board noting that the same request is being made to the City Council. Discussion occurred regarding the loss of funding and what the proposed funds would be replacing. Administrator Deist suggested that the amount for next fiscal year be discussed during the budget hearings; he asked if this would be an ongoing request. Ms. Allen stated that they would come before the Commission in December to keep the Board informed as to the status. Commissioner French asked if the \$16,000 was available in the County's budget. Administrator Deist stated that the funds could be found in the current budget and he believed it could be funded this year. Ms. Allen stated the amount would get them through until July. The following motion was made by Commissioner Cassinelli and passed unanimously:

*To approve \$16,000.00 for Sonoma Industries for this year and to discuss the other amount at budget time.*

Patricia Tindall, Director Senior Citizens' Center, appeared before the Board and provided a handout, related to the matter discussed, to the Board; she commented on the benefit to the transit system

of the riders provided by Sonoma Industries.

**REQUEST FROM THE SHERIFF'S OFFICE FOR A WAIVER TO THE ATTRITION POLICY FOR TWO UPCOMING VACANCIES IN THE PATROL DIVISION:**

Sheriff Ed Kilgore appeared before the Board. Sheriff Kilgore spoke in support of the request for a waiver to the attrition policy for two positions in the patrol division as one deputy is leaving and one is retiring. After discussion the following motion was made by Commissioner French and passed unanimously:

*To approve the waiver of the attrition policy for the Sheriff's Department for these two positions as presented today.*

*Chairman Bell stated that the Board would now return to item 2 on the agenda.*

**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 Adjustment to the Humboldt County Real Property Tax Roll: Requests 11-12-35 and 11-12-36 were provided to the Board for review. *Recommendation: That the Commission approve the adjustments as recommended by the Treasurer and Assessor.*

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

*To approve the consent agenda as presented.*

**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 updated the Board on the status of the Pine Forest Bill which had been heard by the House of Representatives and would proceed to a hearing before the Senate, on a meeting he had with Brad Shultz and Gene Seidlitz regarding the sage grouse issue and the suggestion that a Sage Grouse Stake Holders Group be formed and that Humboldt County organize the effort and that Commissioner Amos had submitted his application for appointment to SLUPAC but that Ron Cerri would not be submitting one as he already is appointed to a Board by the Governor. Upcoming meetings and dates of importance were noted.

**REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES THEY SERVE ON:** Commissioner Cassinelli reported that the Paradise Valley Firemen had said no to

using the fire house as a temporary storage facility for the Paradise Weed District's equipment and chemicals; discussion occurred regarding the issue. Commissioner Fransway reported on the NACo Legislative Conference which he had attended in Washington DC.

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

*To approve the expenditure of County funds as presented.*

**AWARD OF QUOTES FOR THE DEMOLITION OF A COMMERCIAL BUILDING AT 48 E. 4<sup>TH</sup> STREET, WINNEMUCCA, NEVADA OWNED BY HUMBOLDT COUNTY:** Provided to the Board for review was a spreadsheet detailing the bids received for the demolition project from N.D. Sweeney Construction, Curtis Machinery Inc. and Z7 Development (see attached). A letter had been provided to the Board from Stacy and Rebecca Ashby requesting the postponement of the decision for demolition to allow them to present a proposal for purchasing the building. Administrator Deist reviewed the request from the Winnemucca Rural Fire District for assistance in proceeding to demolition of the building which had been donated to the County by Gloria Brown for the benefit of the fire district. Commissioner Cassinelli noted that the donation had been made with the understanding that the benefit of the building would be for the Fire District only. Ron Schrempp, Winnemucca Rural Fire Department Chief, commented on the request noting that if someone were willing to pay to move the Fire Department to a different location that could be arranged, he discussed the cost and noted that the building is in bad shape and cannot be utilized by the fire department as is. Chairman Bell and Commissioner Fransway concurred that the intention of the grant was to benefit the fire department so they call the shots. Commissioner Amos noted the need for the department to have room to expand. Administrator Deist discussed the process which government entities are required to follow to sell property; he reviewed the three quotes received and recommended that based on discussion and input that the contract for demolition be awarded. The following motion was made by Commissioner Fransway and passed unanimously:

*To award the bid for demolition of the building at 48 East 4<sup>th</sup> Street in Winnemucca to low bidder, Sweeney Construction for \$11,310.00, demolition necessary to facilitate expansion of the Winnemucca Rural Fire facility, the cost of the demolition to be funded by WRFD.*

**NUISANCE ISSUES:**

**SET TO PUBLIC HEARING - A nuisance complaint for parcel #43 Grass Valley Ranchos, APN**

3/19/2012

Page 6 of 9

**05-562-04, legal owner - Kirk & Deborah Thompson:** Administrator Deist explained that the Clerk had been unable to obtain service on the property owners. District Attorney Macdonald discussed the importance of the notice on the property owner and suggested that the matter be continued to the next meeting to allow him to research the issue and discuss the matter with the Clerk. Clerk Spero discussed the attempts at service which have occurred to this point and noted that the other complaint filed at the same time as this one had been abated by the property owner without the need for Commission action. Chairman Bell stated the matter would be tabled.

**REVIEW HEARING ON NUISANCE AT 150 MANSELL IN GOLCONDA:** Administrator Deist noted that this complaint had been before the Board previously and the Board had ordered the nuisance to be abated by the property owner and that the Building Department Official had inspected the site on March 5, 2012 and no clean up has occurred. Clerk Spero noted the period that had been provided to the property owner for abatement of the nuisance and stated that neither her office nor the Building Department has had any contact with Mr. Montgomery, the property owner. District Attorney Macdonald recommended that estimates for what it would take to abate the nuisance be gathered and then send that information to the property owner indicating that this is the cost to abate the nuisance and that the amount would be added to the tax bill; if the property owner does not respond then the County move forward with awarding that project and have it accomplished. Commissioner Fransway asked if that notification/correspondence would come from the District Attorney's Office. District Attorney Macdonald stated that it could. The following motion was made by Commissioner Fransway and passed unanimously:

*That due to the lack of response from the nuisance property owner that the Board refers this matter to the District Attorney for action at his discretion.*

District Attorney Macdonald stated he would gather the necessary information and bring it back to the Board.

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

**SET TO PUBLIC HEARING - A request from Roger Johnson to abandon a portion of Spur Cross**

**Road in Pumpnickel Valley:** Superintendent Garrett detailed the location of the portion of road that is currently in the maintained system. Discussion occurred as to why it was in the maintained system.

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

*To set to public hearing a request from Roger Johnson to abandon a portion of Spur Cross Road in Pumpnickel Valley.*

**REQUEST TO HAVE LUPINE DRIVE TAKEN INTO THE COUNTY MAINTAINED SYSTEM:**

Provided to the Board for review was a letter from Susan E. Crea-Fox requesting that Lupine Drive be taken into the County Maintained System (see attached) and a memo from Superintendent Garrett reviewing the qualifications for acceptance and recommending denial of the request until deficiencies related to right-of-way, road structure and road base are addressed (see attached). Susan E. Crea-Fox appeared before the Board. Superintendent Garrett reviewed the qualifications of Lupine Drive to be accepted into the County Maintained System noting that it does meet the requirements to come off of a maintained road and to have 60% or more occupancy but he explained the right-of-way issues and stated that the base would have to be brought up to county standards. Mrs. Fox addressed the Board and stated that she had spoken to the property owners and they are willing to grant the right-of-way but that the cost to bring the road up to standards is prohibitive and they will not agree to that. Discussion occurred regarding what would be involved as to the granting of right-of-way, that it would be the property owners' responsibility to pursue that and that the County cannot bring the road up to the standards that would be the responsibility of the property owners as well. Commissioner Fransway noted the potential of creating an assessment district for the project. Mrs. Fox asked if the Board would be willing to place gravel at the foot of the road where it meets Allen Road. Superintendent Garrett stated it could be done per the Board's direction if the location was within the County's right-of-way. The Board concurred that if it was within the right-of-way it could be done.

**2012 ROAD SURFACE TREATMENT PROJECTS:** Provided to the Board for review was a memo from the Road Superintendent detailing the surface treatment proposal for 2012 including the cost, revenue estimates, that the bid for the project would be combined with the City's project as in the past that has resulted in a cost saving and a listing of the roads proposed to be included. Superintendent Garrett reviewed the memo for the Board. The following motion was made by Commissioner Cassinelli and passed unanimously:

*To proceed with the bid process for the surface treatment project in conjunction with the City.*

**REPORT OF PENDING ROAD DEPARTMENT PROJECTS:** Superintendent Garrett reported on grading, sanding, road maintenance in the Denio area, Pumpnickel area, Mote, Summit Lake, Greeley Crossing, Sand Pass and Paradise area and work on the cattle guard on Case Lane. Discussion ensued regarding issues with the bookmobile related to the solar system, the need for an alternate power system, pressurization keeping the dust down and the Library Board's concerns.



MISCELLANEOUS ROAD RELATED MATTERS: Commissioner Fransway commented on drainage problems at Allen Road and Grass Valley. Superintendent Garrett stated that the State is working on the issue. Discussion occurred regarding graveling in the Paradise Valley area.

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

ADJOURNMENT: Chairman Bell adjourned the meeting at 11:45 a.m.

ATTESTED: J. Owens Clerk APPROVED: Mike Bell Chairman

UNOFFICIAL

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**MEMORANDUM**

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**TO: COMMISSIONERS**  
**FROM: ADMINISTRATOR**  
**DATE: March 13, 2012**  
**SUBJECT: CONSENT AGENDA**

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

1. Request for Adjustment to the Humboldt County Real Property Tax Roll: Attached are requests 11-12-35 and 11-12-36 for your review.

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

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**MEMORANDUM**

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**TO: COUNTY COMMISSIONERS**

**FROM: COUNTY ADMINISTRATOR**

**DATE: March 13, 2012**

**SUBJECT: OTHER INFORMATION AND UPCOMING MEETINGS**

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**OTHER INFORMATION:**

1. Sage Grouse Stake Holders Group: On March 8, 2012 Brad Shultz and I met with Gene Seidlitz to discuss the Sage Grouse issue and where do we go from here. We came to the conclusion that we needed to have a local group who could get together on a regular basis to share information and help put together input to the larger effort which will occur over the next two years. It was felt that this should be wide ranging group covering many of the interest which will be impacted. It was felt the most neutral body to organize this effort would be Humboldt County. Unless you direct other wise we will move forward with getting this effort started.
2. SLUPAC: Recently you submitted a letter suggesting that Commissioners Amos or French or Ron Ceri be appointed. Commissioner Amos has submitted his application and Mr. Ceri has informed me that he will not be submitting an application as he already serves on a board appointed by the Governor.

**UPCOMING MEETINGS:**

- |                   |                        |
|-------------------|------------------------|
| 1. March 23, 2012 | POOL/PACT HR Oversight |
| 2. March 26, 2012 | Budget                 |
| 3. March 27, 2012 | Budget if needed       |
| 4. April 2, 2012  | Commission             |

**BIDS RECEIVED FOR 4<sup>th</sup> STREET DEMOLITION PROJECT**  
**March 15, 2012**

BIDDER	TOTAL BID	EXCEPTIONS TO BID	COMPLETION DATE	BID BOND	CONTRACTOR'S LICENSE
N.D. Sweeney Construction	\$11,310.00	None	30 calendar days	750.00	NV State 17636 Humboldt County No. 05219
Curtis Machinery Inc.	\$12,000.00	None	30 Calendar days	600.00	NV State 17692 Humboldt County 06349
Z7 Development	\$42,000.00	None	30 Calendar Days	5%	NV State 55440 Humboldt County 06958

RECEIVED  
FEB 29 2012

February 21, 2012

Administrator / Commissioners

Humboldt County Commissioners

Winnemucca, Nevada 89445

To Whom It May Concern:

I live at 3635 Lupine Drive Winnemucca, Nv and am petitioning to have Lupine Drive on the county maintained system. I have reviewed Section 801 and believe the road meets the criteria.

In talking with Ben Garrett at the road department, he stated that both Johnson and Brown have maintenance on sections of those streets. Why those two streets and not Lupine? We have a higher density of housing units, Lupine is wider, and Lupine is the only one of the three roads that is a through street from Germaine to Allen. Lupine is the road that is used when county maintenance is done on Brown, Johnson and Allen, and the heavy water and gravel trucks break up Lupine, as the maintenance is done at the appropriate time, when roads are soft. He states that Lupine is public access so the county has every right to use it. I am sure that is true. My point is, my husband and I have paid, out of our pocket, to have this road graded and the county heavy equipment breaks it up. If the county does not maintain this road, the county should not be the major contributing factor in its demise.

There is an injustice in both Brown and Johnson having sections maintained and Lupine having no section maintained. County maintenance equipment uses Lupine, because it is public access and it is the most convenient route from the gravel pit to the maintained roads. It is unfair that no maintenance is performed on Lupine as it does meet the criteria in Section 801 of your code, it has a higher population density than both Brown and Johnson, has wider access on both sides, and we residents on Lupine Drive pay our taxes just as residents on Brown and Johnson.

I request that Lupine Drive be maintained by Humboldt County.

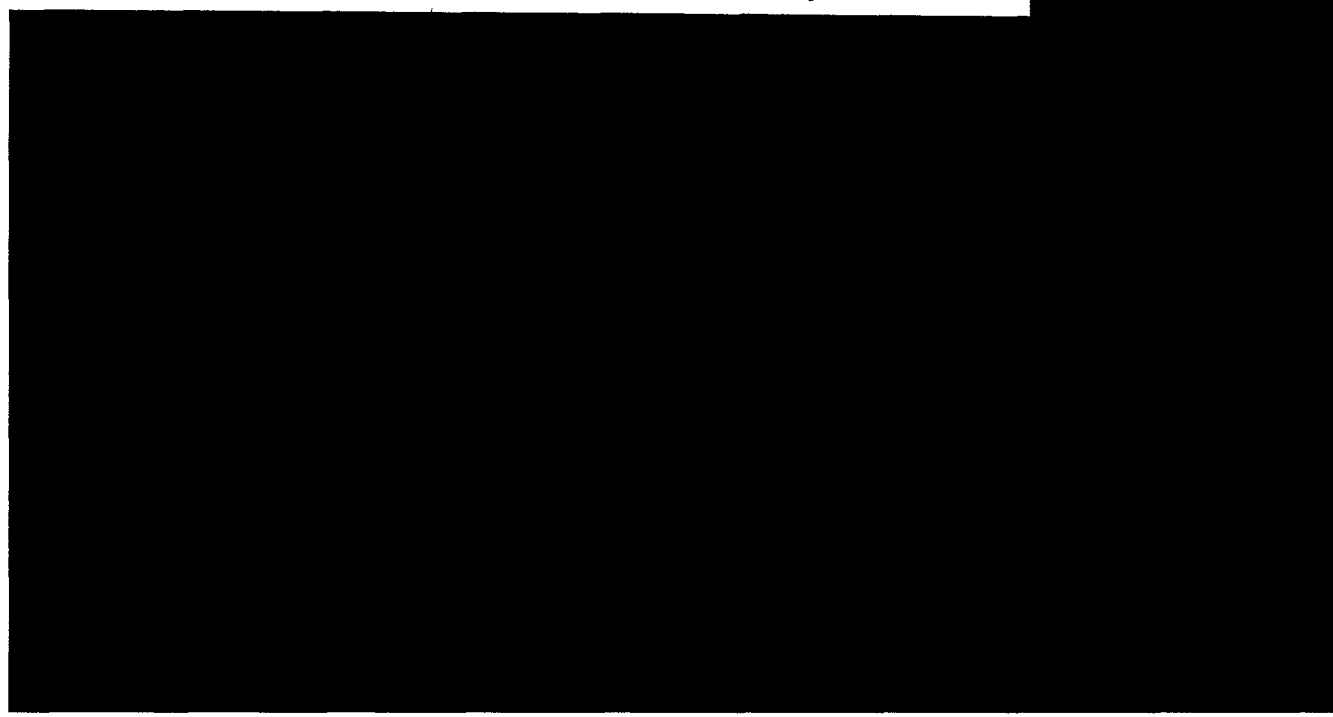
Sincerely,

*Susan E. Crea-Fox*  
Susan E. Crea-Fox

3635 Lupine Drive

Winnemucca, Nv 89445

*[Faint, illegible text, possibly a stamp or bleed-through]*



To: Humboldt County Board of Commissioners  
From: Ben Garrett, Roads Superintendent  
Date: March 7, 2012  
Subject: Lupine Drive Acceptance

Lupine Drive in Grass Valley adjacent to Allen Road has been proposed for acceptance in the Humboldt County Maintained system. The occupancy on the proposed road meets the 60% minimum requirements with 9-13 lots involved and 8-10 lots occupied for an 88% to 77% occupancy rate. The road from Allen to Mrs. Fox's property inclusive has the 88% occupancy rate.

Humboldt County Standards require a minimum 60 foot wide Right-of-Way as a condition of acceptance. Several Right-of-Way issues are apparent from the recorded maps. A 30 foot ROW on the north side of Lupine exists approximately 660 feet east from Allen. At this point the ROW narrows to 25 feet for approximately 660 feet in an easterly direction, then changes back to 30 feet for an additional 680 linear feet. On the south side of Lupine no ROW exists, however an easement is recorded. A 30 foot easement from Allen east approximately 990 feet exists. At this point no ROW or easement on the south side of Lupine Drive has been identified for approximately 660 feet. The discrepancies need to be addressed prior to acceptance in the maintained system.

If the ROW issues are resolved deficiencies exist in the road structure. The roadway should drain away from the travel lanes to roadside drainage ditches. The profile of the current roadway will act as the drainage ditch. The road meanders from north to south, but the road should travel west to east in straight line. A consistent roadway width of 24 feet requires construction with road base covering the final profile.

I would not recommend acceptance until the deficiencies are corrected.