

Monday, August 6, 2012

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, August 6, 2012, at 9:00 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. County Clerk Spero noted for the Board that the new sound system had been installed and offered her thanks to JD Ames of the Computer Department for his efforts in getting everything taken care of. The Board concurred.

Patricia Tindall, Director of the Humboldt County Senior Citizens Center appeared before the Board and updated them on the purchase of the Hot Shot Home Bound Meal Delivery vehicle for the Senior Center Food Service Program; she asked for a copy of the County's purchasing policies for use in helping to develop policies for the Senior Center.

Mike Meagher appeared before the Board and read a response letter from the Department of the Air Force to the Yuba County Board of Supervisors related to use of a rail spur owned by the Air Force for a waste disposal by rail plan called "Recology Green Rail Project" (see attached); he commented on the effects of the Air Force's response on the Jungo Landfill Project and questioned the Commissioners on their actions related to the host agreement negotiations between the County and Recology; he discussed research he had done into other host agreements for landfill projects including amounts charged per ton and provided his research to the District Attorney to be copied. Commissioner Cassinelli noted that he believed that a consultant would be hired to handle the negotiations. Commissioner Fransway commented on how he believed the negotiations would proceed if they occurred noting that he has not seen a proposed host agreement but stating that it should be provided to the Commission before it is formally presented. Commissioner French asked to be provided with copies of Mr. Meagher's research and commented that he wanted no surprises relative to the host agreement. Mr. Meagher commented on the need to be prepared and if the County is forced to take the landfill then the company should have to pay through the nose.

Patricia Tindall commented on the prior host agreement. Administrator Deist responded.

*Administrator Deist suggested that the Commission proceed to item 3 on the agenda and return to the Administrative Report as time allowed. Chairman Bell concurred.*

**LARIOS ARMS TAX RATE ADJUSTMENT:** A letter from Assessor Johnson related to a tax roll

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adjustment for the Larios Apartments was provided to the Board for review (see attached). Assessor Johnson appeared before the Board and explained that his Office is unable, per Nevada Revised Statute, to set an artificial amount as to taxes as is set forth in an agreement made between the City of Winnemucca and the Nevada Rural Housing Authority for payment-in-lieu of taxes for the apartment complex, therefore it is recommended that the property be fully exempted and that the City of Winnemucca make an agreement with Nevada Rural Housing Authority outside the property tax system as to the amount and collection of the payment in lieu of taxes. After discussion the following motion was made by Commissioner Cassinelli and passed unanimously:

*To go with the Assessor's recommendation that the County exempts this totally from property tax.*

**DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - JUNE 4, 2012 REGULAR MEETING AND JULY 9, 2012 REGULAR MEETING:**

Chairman Bell asked for corrections/additions for the minutes of June 4, 2012; none offered. The following motion was made by Commissioner Amos and passed unanimously:

*To approve June 4, 2012 minutes.*

Chairman Bell asked for corrections/additions for the minutes of July 9, 2012; none offered. The following motion was made by Commissioner French and passed unanimously:

*To accept the July 9, 2012 minutes as presented.*

**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 Real Property Tax Roll: Two roll change requests were provided to the Board for review. *Recommendation: That the Commission approves the requests as recommended by the Assessor and the Treasurer.*
2. Approval of CDBG Program Project Report: Provided to the Board for review were copies of the Community Development Block Grant Notice of Grant Award and associated documents for the McDermitt GID Mapping and Master Plan project. *Recommendation: That the Commission approves the documents as submitted and authorize the Chairman's signature.*

The following motion was made by Commissioner Amos 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:** Administrator Deist informed the Board that the City of Winnemucca had provided notice of their intention to annex certain properties into the City limits (see attached notice), that currently the Board has back to back meetings between the last meeting of November and the first meeting of December due to the rescheduling of the November meetings to accommodate the election so the Board might consider revisiting the schedule and that notice of the Hycroft Final Environmental Impact Statement had been received and due to time constraints on providing a response he had sent an e-mail confirming the County's support of the project based on the Board's prior formal action regarding the draft EIS. Upcoming meetings and dates of importance were noted.

**REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES THEY SERVE ON:** Commissioner French reported on the Humboldt River Water Basin Authority meeting that he and Commissioner Amos had attended including actions taken by other Counties related to drought declarations and the need for Humboldt County to do the same; he requested that the County's website be updated as to the current Chairman and Vice-Chairman. Commissioner Amos offered comment on the meeting as well as to discussion related to the funding for the Desert Research Institute and the need to support legislation related to it. Commissioner Fransway reported on his attendance at the National Association of Counties annual conference.

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

*To accept the expenditures as presented.*

**PRESENTATION FROM ROBERT THOMASON REGARDING THE SNOWSTORM EXPLORATION PROJECT:** Provided to the Board for review was information detailing the Snowstorm Exploration Project a mineral exploration project located on public lands administered by the BLM and private lands in Humboldt County including a map (see attached). Robert Thomason, Vice-President of Exploration with Snowstorm Exploration LLC appeared before the Board. Mr. Thomason reviewed the project for the Board including that an environmental assessment is being prepared and comments on the project may be made to the local BLM Office; he noted their appreciation for the

maintenance done on the county maintained roads being used to access the site (Shelton Lane and Kelly Creek Road). Discussion occurred regarding potential impact by the project on the roads and Commissioner Fransway noted that if the impact becomes significant the County may request that the project enter a cooperative agreement related to the cost of the maintenance of those roads. Mr. Thomason stated his understanding. Commissioner Amos commented on potential dangers due to blind curves and the need to keep the Board apprised of the traffic amounts. Mr. Thomason discussed road signs posted and communications with staff regarding travel on the roads. Commissioner French asked about camping at the site. Mr. Thomason said no camping was occurring. Commissioner Cassinelli noted concerns about dust control issues around the houses on the road. Mr. Thomason stated that crews had been made aware of the need to slow down in the area of houses.

**SHERIFF'S OFFICE:** Sheriff Ed Kilgore appeared before the Board.

**REVIEW OF THE 911 FIVE YEAR PLAN:** Sheriff Kilgore discussed the process to this point for developing the 911 five year plan and the need to proceed to approve it to implement the plan. After discussion the Board requested that the plan and the original ordinance be brought back at the next meeting for consideration. Chairman Bell noted that today's item is for information only and that action will be taken at the next meeting.

**INFORMATION REGARDING THE RURAL FIRE DEPARTMENTS' BORDERS WITH**

**OREGON:** Sheriff Kilgore detailed for the Board what had occurred with the recent Long Draw fire event on the Nevada/Oregon border near McDermitt including his actions as Emergency Management Director in calling for assistance from other local fire districts in protecting the community of McDermitt if the need arose, the restrictions in being able to cross state lines to assist and his request that talks occur with Malheur County related to an Memorandum of Understanding between the fire districts. Commissioner Fransway commented on his belief that Malheur County would be open to such an agreement and his suggestion that a Mutual Aid Agreement also occur between the fire districts within this County. Administrator Deist noted that the fire districts within the County do have Mutual Aid Agreements and discussed the issues with obtaining a Mutual Aid Agreement across state lines. Sheriff Kilgore continued speaking in support of the proposal noting that it needs to be pursued and that it must be formally requested so he as Emergency Management Director could contact the corresponding official in Malheur County but he would like a letter of support from the County Commission to pursue it. Chairman Bell concurred. The following motion was made by Commissioner Fransway and passed unanimously:

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*That the Commission authorizes the Sheriff and the Commission's staff to pursue preliminary discussions on potential fire agreements between Malheur and Humboldt County.*

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

**PUBLIC HEARING ON RH-12-06 - A zone change request submitted by Steve West, City Manager/Engineer as agent for the Airport Board to re-zone property from AG-40 (Agricultural District 40 acre minimum parcel size) to AID (Airport Industrial District). Property is located west of the airport and south of the Southern Pacific Transportation Co. right-of-way; APN 013-242-01:**

Provided to the Board was a copy of the Planning Department Status Report recommending approval, a copy of the application with map and a copy of the Notice of Public Hearing. Chairman Bell read the title of the item set to public hearing. Administrator Deist noted that City Manager West was unable to attend today's meeting due to a scheduling conflict. Mrs. Lawrence reviewed the request and recommended approval. Chairman Bell asked for questions/comments from the Board. Discussion occurred regarding the total acreage involved. Chairman Bell asked for public comment. None offered. The following motion was made by Commissioner Amos and passed unanimously:

*To approve re-zone RH-12-06.*

*(Ordinance 08-06-12)*

**PUBLIC HEARING ON AH-12-01 - A request from Brian T. And Katherine S. Wellesley to abandon 40 feet of existing County dead end road on the north side of 1<sup>st</sup> North Street, Paradise Valley, Nevada with the remaining road (approximately 40 feet) remaining for continued access by Paradise Valley School; Roadway is adjacent and to the south of Assessor's Parcel #004-391-17 and other matters properly related thereto:**

Provided to the Board for review was a copy of the application with map and a copy of the Notice of Public Hearing. Chairman Bell read the title of the item set to public hearing. Applicants Brian T. And Katherine S. Wellesley were present in the audience. Mrs. Lawrence reviewed the application including photos and overhead photos of the area in question; she noted that the request had been approved by the Planning Commission and that no opposition had been received. Chairman Bell asked for public comment. None offered. The following motion was made by Commissioner Amos and passed unanimously:

*To approve the abandonment request AH-12-01.*

**SET TO PUBLIC HEARING RH-12-07- A zone change application submitted by Rodney J.**

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**Glinemann to change the zoning on his property from M - 1 (Industrial District) to AG-5 (General Agricultural District). The subject property is located at 7200 Pine Road; APN 013-233-20:**

Chairman Bell read the title of the item to be set to public hearing. The following motion was made by Commissioner Fransway and passed unanimously:

*To set to public hearing RH-12-07.*

**SANTA ROSA DISTRICT TRAVEL MANAGEMENT PLAN PRESENTATION:** Tina Gast representing the Santa Rosa Ranger District of the Humboldt-Toiyabe National Forest appeared before the Board. Mrs. Gast provided the Board with the proposed Motor Vehicle Map and copies of the prior maps and a listing of proposed changes. Mrs. Gast reviewed the need for updating the Travel Management Plan, the public outreach which had occurred and some of the proposed changes. Discussion occurred regarding the changes being considered, how the maps will be produced and who had participated in the public open houses. Commissioner French stated, for the record, that he felt that the County has had a real cooperative group of folks that they deal with on the Santa Rosa District and this speaks to that right now as the District has been very receptive to what the public was looking for and did the job out there so he thanked them for that. After discussion the following motion was made by Commissioner Fransway and passed unanimously:

*That a letter of support be drafted to be signed by the Chair to support the updated Travel Management Plan with the associated map as presented today.*

**APPOINTMENTS TO THE AG DISTRICT 3 (RODEO BOARD):** Provided to the Board for review were letters requesting appointment from Adena Gonzalez-Wright, Rebecca Hill and Glynn Montero. Administrator Deist noted that there were two vacancies on the Ag District 3 Board that required appointment. The Board interviewed Glynn Montero and Rebecca Hill. Administrator Deist noted that the third applicant was unable to be at the meeting today. Discussion occurred regarding the absence of the third applicant and the Board's comfort with the two applicants interviewed. The Board agreed to move forward with the appointment. The following motion was made by Commissioner Fransway and passed unanimously:

*To appoint Mrs. Rebecca Hill and Mr. Glynn Montero to the vacant positions on the Ag Board.*

**REVIEW AND APPROVAL OF THE MEMORANDUM OF UNDERSTANDING WITH THE BUREAU OF LAND MANAGEMENT FOR THE SAGE GROUSE PLANNING PROCESS:**

A copy of the proposed Memorandum of Understanding (MOU) was provided to the Board for review.

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Administrator Deist noted former action taken by the Board to enter into this MOU which if now being presented for approval. Administrator Deist continued noting that the proposed MOU presented was generic in form and suggested that a request be made for a formal one which would specifically name Humboldt County and he requested approval for the Chairman to sign once that is received. Administrator Deist continued commenting on the importance of involvement in this issue and the plan for Brad Schultz to be involved. Commissioner Fransway voiced concern about the language in item J on page 6 related to dispute resolution and questioned whether the County should ask for cooperating agency status rather than a full blown MOU. Administrator Deist noted that the MOU establishes the County as a cooperating agency. Commissioner French concurred that the MOU and cooperating agency status go hand in hand and stated that with disputes related to the public lands ultimately the decisions are going to rest with the BLM and other entities have voiced the same concerns but the best hope the County has of asserting influence and providing comments is as a cooperating agency; he noted his concurrence with Commissioner Fransway's comments and experiences with the County's involvement in other projects as cooperating agency which gives the County input in the development of the process and standing for appeal if necessary. Chairman Bell concurred. Commissioner Fransway stated that the County should establish their concern for the record. The following motion was made by Commissioner Fransway and passed unanimously:

*To approve the Memorandum of Understanding with the Bureau of Land Management for the sage grouse planning process and to establish a cooperating agency status and ask that the County be consulted as to any dispute resolutions.*

**AUTHORIZATION TO PROCEED WITH ADVERTISING THE MCDERMITT FIRE PROTECTION DISTRICT FIRE HOUSE EXPANSION PROJECT:**

A copy of a letter from William Macdonald, legal counsel for the McDermitt Fire Protection District detailing the interim financing for the fire house expansion project was provided to the Board for review (see attached). Mr. Macdonald appeared before the Board and spoke in support of proceeding to the advertising for bids for the McDermitt Fire Protection District fire house expansion project. He explained that the reason this request is coming before the Commission is because the County is doing the interim financing for the project and notice has been received that the USDA loan, which had been approved, would not close for six weeks and as the District would like to proceed with the project and has authority to make the decision to proceed, they did not want to do so without the ok from the County due to the financing agreement. Mr. Macdonald noted that if the worst happened and the USDA could not finance the loan, the County

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would be responsible for the funding of the project. Discussion occurred regarding the amount of the project, that the County would support the project without the USDA loan, that the loan is important and should be pursued and that winter weather is approaching so the project needs to proceed. Mr. Macdonald stated that the bond attorney wants formal resolutions from both the County Commission and the Fire District Board authorizing the interim financing and accepting the financing; he explained the process and asked that a public hearing authorizing the resolution approving interim financing be agendized for the next meeting. The Chairman and Board concurred. The following motion was made by Commissioner Fransway and passed unanimously:

*To authorize proceeding with advertising the McDermitt Fire Protection District Fire House Expansion Project.*

*Chairman Bell recessed the meeting for lunch at 11:35 a.m. to reconvene at 1:30 p.m.*

**NAMES APPEARING ON THE PERMITS FOR JUNGO LANDFILL AND MATTERS**

**RELATED THERETO:** District Attorney Macdonald stated that he had researched the Humboldt County Code and the conditions related to a Conditional Use Permit (CUP) and that the CUP related to the Jungo Landfill had been issued to Jungo Land & Investment LLC, that under the code when the property does not belong to the applicant then an Owner's Affidavit is required and that had been completed by Nevada Land & Resource. He continued discussing the process required by the Nevada Administrative Code for the Landfill Permit application including that the developer/operator would be Jungo Land & Investments and that a letter was provided to the Nevada Division of Environmental Protection (NDEP) from Nevada Land & Resource, the owner of the property, stating that Jungo Land & Investment was leasing the property with an option to purchase; that the permit identifies the owner correctly as Nevada Land & Resource but NDEP issued the landfill permit to Recology the parent company of Jungo Land as opposed to the subsidiary but he stated his opinion that this does not create a significant legal effect and with Recology being identified may create a better situation as they are the parent company and have deeper pockets; that it appeared with both permit applications they complied with either the Humboldt County Code or the Nevada Administrative Code and everything appears to be in order. Commissioner Fransway stated the issues he had with the permits including that Nevada Land & Resources does not own the property as it sold it in 2011 to New Nevada Land LLC so the permit has the wrong name on it and that the permit does not even mention Jungo Land & Investments so he questioned who they are and whether or not the County had the right to know who they are doing business with; he continued discussing companies involved and the need for County to know who they

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are doing business with. Discussion ensued between District Attorney Macdonald and Commissioner Fransway regarding the issue of ownership and the effect on the permits. District Attorney Macdonald stated he could contact NDEP regarding what information has been provided to them regarding the sale but as to the operator Recology is the parent company of Jungo Land. Commissioner Fransway stated that he wanted to know who Jungo Land & Investments is and what association whoever owns the property has with a certain water company. District Attorney Macdonald stated his understanding that Jungo Land & Investment is a subsidiary of Recology and that if they proceed with this project and begin developing it then Jungo Land would purchase the property from the land owner. Commissioner Fransway noted that Jungo Land & Investments is not even mentioned in the permit and they are the holders of the CUP. District Attorney Macdonald stated they were the applicants on the State permit. Chairman Bell asked what effect the change of land ownership would have. District Attorney Macdonald responded explaining what would typically happen when property, which is being leased, is sold. Commissioner Fransway commented on the amount of waste involved, the vagueness of the process, the importance to the community, his opinion that the entire process has been a joke all the way through, that the County had retained a landfill expert to prepare a report which had been sent to NDEP as the Commission's comments with very valid points but that he did not believe NDEP had even paid attention to it and that the County has a right to know who they are doing business with. Commissioner French commented on his concerns with who the County is dealing with and questioned the NDEP permit as the name on that permit is the one who will be authorized to do business unless there is an application through NDEP to change it; he stated his understanding that NDEP issued the permit not to a group of people but to a project so even with a change of hands the mechanism would be in place to allow the change but he asked who Humboldt County would be dealing with and noted that has been the frustration all along as the County has not had the courtesy to know who is involved. Commissioner Fransway pointed out that the permit requires that the permittee has written verification that they have a valid conditional use permit and that Nevada Land & Resource is on the permit but they do not own the property now. District Attorney Macdonald noted that Jungo Land & Recology also appears on the permit and there may be a method by which they need to update the owner of the underlying ground but he cannot speak to that as he is not familiar with the process. Commissioner Fransway asked who is Jungo Land & Investments, who are we dealing with, who are the folks investing and commented how suspicious of it he is. District Attorney Macdonald stated that Jungo Land is a valid corporation filed with the Secretary of State and has the same corporate officers on file with the Secretary of State as

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Recology, that it appears to be a valid, legal entity according to the Nevada Secretary of State. Chairman Bell stated that at this time there is no action to be taken.

**COUNTY ROLE IN RELATION TO NRS 490 AND ATV LAW ENFORCEMENT AND**

**MATTERS RELATED THERETO:** Gary Lambert, Commissioner of Off Highway Vehicles for the State of Nevada in regards to the new 490 statute appeared before the Board. Mr. Lambert explained NRS 490, which had been enacted by the 2011 State Legislature and became effective July 1, 2012, to the Board including the requirement to license and register OHVs, where that would occur, when it has to occur, potential funds which will be generated, the possibility of designating routes, the importance of stewardship and education and the possibility of grants for law enforcement. Discussion occurred regarding the requirements and intent of the statute. Commissioner Fransway asked if the Commission would entertain the drafting of an ordinance which somehow addressed 490 and particularly the public safety aspects and the concern of motorized unlicensed vehicles on County roads; he discussed the dangerous situation that currently exists. Mr. Lambert suggested that the Commission hold off on implementing anything for a while as he believes that additional revisions will occur with the statute. Commissioner Fransway stated his belief that sooner would be better rather than later because of issues with the vehicles on local roadways. Mr. Lambert recommended that the Board wait four or five months as the issue will be revisited and amendments made. Chairman Bell suggested that the County should start looking at which roads to designate for use as accesses for trail heads. Discussion occurred regarding the designation aspect. Rodd Stowell offered public comment from the audience as to OHV issues in the community. Roberta Rothwell offered public comment from the audience on issues with ATVs in her neighborhood and volunteered to participate in any committee formed related to the matter. Mr. Lambert offered comment from the audience related to what is being done in Douglas County with a citizen's advisory committee. After discussion Commissioner Fransway asked that this matter be continued to another meeting to address the possibility of an ordinance. District Attorney Macdonald stated he would provide a copy of the statute to the Board for review.

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

**POTENTIAL ADDITION OF STREETS TO THE CHIP SEALING CONTRACT:** Provided to the Board for review was a memo from Superintendent Garrett recommending application of the micro paving on Paradise Ranchos Drive, Godchaux Road and South Valley Road (see attached). Superintendent Garrett detailed the request for the Board including the funds available in the County's portion of the Regional Transportation Funds, what had occurred with the NDOT paving project that had

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allowed millings to be used on Paradise Ranchos, Godchaux and South Valley Roads which would eliminate the need for mag chloride on those portions and that the micro paving will eliminate the annual surface maintenance. After discussion the Board concurred with the recommendation and the following motion was made by Commissioner French and passed unanimously:

*To add \$300,000.00 to the annual surface treatment project.*

**POSSIBLE PURCHASE OF A BACKHOE:** Provided to the Board for review was a memo from Superintendent Garrett recommending the purchase of a backhoe from Cashman Equipment with the addition of forks for \$97,373.00 (see attached). Superintendent Garrett reviewed the request for the Board including that the 2012-2013 budget has funds identified for the purchase of a backhoe, the planned use for the equipment, a comparison between the costs for renting the equipment and purchasing, the current estimated resale value of the old backhoe, the information regarding the new backhoe identified by Cashman, the intent to utilize a contract awarded by the City of Tucson, Arizona to purchase the equipment and the language of NRS 332.195 which covers the joinder or mutual use of contracts by governmental entities. District Attorney Macdonald confirmed that proceeding per NRS 332.195 is allowable. The following motion was made by Commissioner Amos and passed unanimously:

*To approve the purchase of a backhoe from Cashman with the addition of the forks for \$97,373.00.*

**REPORT OF PENDING ROAD DEPARTMENT PROJECTS:** Superintendent Garrett reported on road patching, grading in preparation for the chip seal/micro seal project scheduled to begin August 13<sup>th</sup>, the status of getting power to the 3<sup>rd</sup> well at Jungo, that the project at Bilt Creek with the BLM has been put on hold, that Mr. Smith has requested that his request for mag chloride to be applied to Sand Pass Road be reconsidered and additional mag chloride applications being planned.

**MISCELLANEOUS ROAD RELATED MATTERS:** Commissioner French commented on dust issues with the book mobile. Superintendent Garrett responded and explained what had occurred and what was being done.

**AUTHORIZATION TO SEND LETTER TO CONGRESSIONAL DELEGATION INFORMING THEM OF NATIONAL NACo ACTION AND SUPPORT OF PINE FOREST:** Commissioner Fransway explained what had occurred at the National Association of Counties annual conference at which the NACo Board had adopted a resolution in support of the process of Wilderness Study Areas (WSA) and during that item discussion had occurred related to their support of the Pine Forest Bill and that as a result of that discussion he thought that having the Chairman write a letter to the Congressional

Delegation letting them know that the National Association of Counties is willing to help might assist in the efforts. After discussion the following motion was made by Commissioner Fransway and passed unanimously:

*To authorize the Chairman's signature on a letter to the Congressional Delegation informing them that the National Association of Counties has adopted a resolution in support of the Pine Forest.*

**PUBLIC COMMENTS:** Chairman Bell asked for public comments. Carol Aldous addressed the Board regarding the nuisance complaint she had filed against Robert Shell and Mark Sharp at 4650 West Winnemucca Boulevard eighteen months ago and asked if the District Attorney had determined if they had a permit to operate a salvage yard at the location or what kind of permit they do need for the property. District Attorney Macdonald stated that he had met with Mrs. Aldous regarding the matter and that he needed to do follow up with the planning department which he has been unable to do as of yet but that he had informed Mrs. Aldous that he would keep in contact with her when he had additional information and he is still working on it. Mrs. Aldous stated that she was not happy that it was taking this long and questioned if they are still operating a salvage yard. District Attorney Macdonald noted that is her description of what is occurring but they have not indicated that they are operating a salvage yard, that the Building Inspector had indicated that there were no longer any issues as related to the nuisance problems that had been identified so what is being followed up on is the business license and zoning issues and that as soon as he has additional information he will contact her. Mrs. Aldous asked how much longer it would take. District Attorney Macdonald stated that he would hope to have an answer back to her as soon as possible but he cannot give an absolute deadline. Commissioner Fransway stated his knowledge of flagrant violations of County Code occurring at the site and suggested that the Commission needs to address the issue in an agendized open meeting to reiterate what the Commission had ordered previously and to ask Building Inspector Thomas to come before the Board and explain why this is taking so long. Commissioner French concurred and stated that there also needs to be a resolution as to whether or not the activities at the site are properly permitted relative to a business license as well as through Planning and he asked if they are not running a salvage yard that they explain what they are doing as he feels eighteen months is too long and offered his support to Commissioner Fransway's recommendation that the matter be placed on the next agenda. Discussion occurred as to what Mr. Shell's business license covers. Chairman Bell directed that the matter be placed on the next agenda for discussion.

Jim White offered public comment related to the OHV issue and how the new law affects his

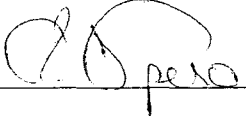
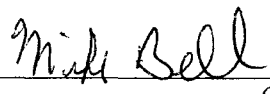
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business as an OHV dealer and what is required in order to register the vehicles.

Chairman Bell asked for additional public comment; none offered.

**ADJOURNMENT:** Chairman Bell adjourned the meeting at 3:14 p.m.

ATTESTED:  Clerk APPROVED:  Chairman

UNOFFICIAL



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 9TH RECONNAISSANCE WING (ACC)  
BEALE AIR FORCE BASE, CALIFORNIA

291-12

27 JUN 2012

Colonel Phil A. Stewart  
Commander  
6252 B Street, Bldg 2445  
Beale AFB, CA 95901

Yuba County Board of Supervisors  
c/o Ms. Donna Stottlemeyer  
Clerk of the Board of Supervisors  
915 8<sup>th</sup> Street, Suite 109  
Marysville, CA 95901

To the Board

On 16 May 2012, Yuba County undertook a public scoping meeting for preparation of an environmental impact report and environmental assessment regarding, among other things, a plan for waste disposal by rail called the "Recology Green Rail Project." The project, as briefed at this meeting, involves use of a railroad spur owned by the United States Air Force and lying within the boundaries of Beale Air Force Base.

Beale Air Force Base is not, in principle, either for or against allowing commercial rail use of the spur in question, which is currently being used exclusively for aircraft fuel deliveries. However, after internal review of initial proposals by Recology, Inc., we have concluded that providing the easement requested is not beneficial to the Air Force. Therefore, alternatives to use of the Beale Air Force Base rail spur should be included in any environmental study and decision-making process of the County.

Beale Air Force Base remains open to considering all proposals for commercial rail use on the installation that will produce value for Beale Air Force Base and the United States Air Force.

Sincerely

PHIL A. STEWART, Colonel, USAF

cc:  
Yuba County Planning Department  
915 8<sup>th</sup> Street, Suite 123  
Marysville, CA 95901

**BOS CORRESPONDENCE** A

*One Team...One Fight!*

## HUMBOLDT COUNTY ASSESSOR

JEFF JOHNSON • ASSESSOR

ASSESSOR@HGNV.US

Humboldt County Commissioners  
County Courthouse  
50 West Fifth Street  
Winnemucca, NV 89445

Dear County Commissioners:

It has come to my attention through a series of events that we have a problem with the way we are handling the Senior Apartment Complex known as the Larios Apartments. I will attempt to explain the issue as it relates to taxes and the expectation of the apartment complex to make some "payment in lieu" of taxes.

When the apartment complex was first brought to my attention and the discussion of paying a portion of property tax was pursued, I expected this to be similar to the Winnemucca Mountainview Apartment complex on Hanson Street. When that project first started, I knew very little about how properties that were exempt would still pay some taxes. NRS 361.082 provides for low income rental properties built with a certain type of federal funding to be tax exempt. This original agreement included a provision for Winnemucca Mountainview to pay some taxes based on the limited income. The owners of this complex took me to the County Board of Equalization and then to the State Board of Equalization. I learned the hard way at the State Board hearing that there was no sense arguing over how these taxes were calculated. From that day on, I have accepted the income and expense report provided by Winnemucca Mountainview and valued the property using the income approach. The taxes for this property are based on that value, which is legitimate according to statute.

When the Larios Apartment complex was being discussed, I expected the same approach and did not think twice about how the taxes were going to be calculated, which turns out was a big mistake. I did not read through the agreement between the City and the Nevada Rural Housing Authority in the beginning and even when I did, it did not occur to me that their proposal was unacceptable according to Nevada law. It has since come to my attention that the attempt made to provide a way for the Nevada Rural Housing Authority to make payments in lieu of taxes cannot be accomplished through the property tax system.

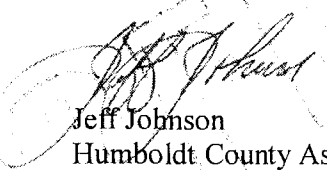
NRS 361.445 states: "The assessment made by the county assessor and by the Department, as equalized according to law, shall be the *only basis* for property taxation by any city, town, school district, road district or other district in that county [emphasis added]." This means no one can dictate a value for taxes, which in essence, is what has happened in the agreement between the Nevada Rural Housing Authority and the City of Winnemucca. Therefore, the property must be valued as any other property by using the income, market or cost approach as a basis for the value, not the proposed taxes an entity would agree to pay. In a recent land audit by the Nevada Department of Taxation a similar situation was discovered in another

county and the Department noted that the Board of County Commissioners (in this case) did not have the authority to direct parcel valuations to be adjusted to some artificial amount. They further stated: "In adjusting the value, the other Units of Local Government within the county did not receive the tax revenue due them under the statutes and therefore, the other units of local government effectively also "pay" the consideration in the agreement between the County and the contractor."

The agreement between the Nevada Rural Housing Authority and the City of Winnemucca outlines the amount of money the Nevada Rural Housing Authority has agreed to pay in lieu of taxes, which is allowable but cannot be billed and collected through the property tax system as that approach violates NRS 361.445 as stated above. Ultimately, this property must receive a full exemption and if payments are to be made in lieu of taxes, then it becomes the responsibility of the Nevada Rural Housing Authority and the City of Winnemucca to determine how that will be billed and received. While we will not be billing for taxes, we are still able to send a bill for television and landfill fees on a regular tax bill form that will not include any actual taxes.

Therefore, attached is an adjustment to the tax roll and it is hereby recommended that the property be fully exempted, and have the City of Winnemucca make an agreement as to how to bill and collect the payment in lieu of taxes, outside the property tax system.

Respectively submitted,



Jeff Johnson  
Humboldt County Assessor

xc: Steve West, City Manager/Engineer  
Nevada Rural Housing Authority



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**MEMORANDUM**

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**TO: COMMISSIONERS**  
**FROM: ADMINISTRATOR**  
**DATE: August 1, 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 two requests for adjustment.

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

2. Community Development Block Grant: Attached are the Community Development Block Grant Notice of Grant Award, County Certification Letter, Level of Environmental Review Determination and the finding of exemption for the McDermitt GID Mapping and Master Plan project. The documents must be reviewed at a Commission Meeting.

Recommendation: That the Commission approve the documents as submitted and authorize the Chairman's signature.