

Tuesday, September 4, 2012

The regular meeting of the Humboldt County Board of Commissioners was called to order on Tuesday, September 4, 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, Administrative Assistant Brenda Willey and Clerk of the Board Tami Rae Spero.

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

DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - AUGUST 20, 2012:

Chairman Bell asked for corrections/additions for the minutes of August 20, 2012. Commissioner Fransway noted that at the bottom of page 10 in the motion the word "of" should appear before the word "the. The Board concurred. The following motion was made by Commissioner Fransway and passed unanimously:

To approve with the correction as noted.

ADMINISTRATIVE REPORT:

CONSENT AGENDA: Administrative Assistant Willey stated that there were no items to present under the consent agenda.

SOLID WASTE MATTERS: Administrative Assistant Willey stated that there was 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: Commissioner French discussed the notification received from the US Forest Service regarding the costs associated with the Hanson Fire being billed to the Paradise Valley Fire District and the profound impact those costs will have on the district. Discussion occurred regarding the issue and what had been discussed when the fire districts entered into the interlocal agreements with the BLM. Commissioners French and Fransway both requested that the matter be placed on the next agenda for discussion. Chairman Bell directed that the matter be placed on the next agenda.

MISCELLANEOUS REPORTS AND CORRESPONDENCE: None offered.

REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES

THEY SERVE ON: None offered.

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

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To accept the expenditures as presented.

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

REQUEST FOR A WAIVER OF THE ATTRITION POLICY FOR A SWORN DEPUTY

POSITION AT DETENTION: Sheriff Kilgore informed the Board that a current patrol deputy will be returning to the Detention Center so his request would be for a waiver of the attrition policy for a patrol deputy. It was noted that this is a public safety position. The following motion was made by Commissioner Cassinelli and passed unanimously:

To approve the waiver of the attrition policy.

REQUEST FOR ADDITIONAL SWORN DEPUTY POSITION FOR PATROL: Sheriff Kilgore appeared before the Board and noted that this request had been previously discussed during budget hearings but while no decision was made at that time, the issue was left open for further discussion. He spoke in support of the request discussing his budgeted overtime amount, the amount of overtime being spent monthly, that the current trend would show a significant shortage in the amount of overtime budgeted for, that the need to use overtime is not slowing down, the current staffing of each shift, the need to use overtime to cover shortages caused by internal issues such as illness/vacations and community emergencies such as the recent fires, that he, as well as the Under Sheriff and Commander Milton, have been covering duties including providing bailiff services for the Courts and his concern about potential issues with his deputies related to burn out. Commissioner French commented on the expansion of the community and noted that with that infrastructure is needed, the coverage that had been provided by the Sheriff and his deputies for the recent fires and the overtime trend; he suggested that it would behoove the Commission to consider the request. Commissioner Amos commented on the need for this entity to be adequately staffed, that the issue had been brought up at budget time and his concurrence with Commissioner French about the increase in population; he stated his support for looking at the request for an additional deputy. Sheriff Kilgore commented on the assistance that the Winnemucca Police Department has provided for coverage when necessary and that calls for service have increased. Discussion occurred regarding how the requested deputy would be assigned and what the candidate pool is like. Commissioner Cassinelli stated that he did not disagree with the comments offered but he was concerned about the size of the Sheriff's budget and suggested that request be looked at during budget discussions. Chairman Bell concurred with Commissioner Cassinelli's comments. Commissioner Fransway stated the request should be presented during next year's budget hearing and the funding for the new position should be identified from within the Sheriff's own budget; he continued commenting on the

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cost overrun for the new Dispatch Center, his concerns with government growing too fast, financial issues being experienced in other communities, the unknowns associated with the upcoming legislative session, the current number of employees in the Sheriff's Office, the need to fully review resources, what would occur if the County's economy went south and layoffs needed to occur and that if the amount currently budgeted for overtime runs short that could be looked at by the Board. Commissioner Amos noted that the overtime budget would need to be looked at soon. Commissioner French stated that the additional resources being requested are not for a luxury item, that the overtime pay does not take into account the human cost of the additional hours and that he did not see the need being any less between now and budget time. Chairman Bell offered the suggestion that the matter be brought back after some additional budget figures could be obtained. Commissioner Cassinelli concurred. Commissioner French noted the importance of both public and officer safety; he requested additional budget data from the Comptroller. Sheriff Kilgore stated that he would prepare a detailed packet as well. Chairman Bell stated the consensus of the Board was to have the Comptroller provide additional information regarding the budget and revenues and bring that information forward at a future meeting. Comptroller Sondra Schmidt appeared before the Board and addressed issues with the over expenditure of the General Fund, her concerns about the use of net proceeds for this type of expense and the additional costs associated with a deputy position. Commissioner Fransway noted the Comptroller's concerns and reiterated that the request should not be considered at this time but brought forth during the next budget hearings. Commissioner French restated his request that financial information be provided for review. Commissioners Cassinelli and French and Chairman Bell agreed that the request would be looked at but that there were no guarantees. The following motion was made by Commissioner French and passed with Chairman Bell and Commissioners French, Cassinelli and Amos voting aye and Commissioner Fransway voting nay:

To table this proposal for now with the expectation that the Comptroller will bring a complete set of financials back to the Commission for their review and the proposal be brought back before the Board at a later date following the revisiting of the budget numbers.

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

REPORT OF PENDING ROAD DEPARTMENT PROJECTS: Superintendent Garrett updated the Board on road grading and the chip seal/micro seal project status. Commissioner French addressed Superintendent Garrett regarding the Library Board's dissatisfaction with the current book mobile and

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their desire to replace it; he asked Superintendent Garrett to provide information regarding justification to keep the current vehicle or to replace it. Superintendent Garrett discussed what had recently occurred with the cooling system. Commissioner French asked Superintendent Garrett about the micro sealing of Jupiter Street. Superintendent Garrett responded that the street had not been included in list or in the bid, that the company had included it by mistake.

MISCELLANEOUS ROAD RELATED MATTERS: None offered.

AUTHORIZATION FOR THE CHAIRMAN TO SIGN LIMITATION OF LIABILITY WHICH WOULD RELEASE NORSEMAN STRUCTURES INC. FROM ANY LIABILITY FOR PROVIDING HUMBOLDT COUNTY WITH THE DRAWINGS AND RELATED INFORMATION ON THE TRUSSES MANUFACTURED BY COVER-ALL FOR THE RIDING ARENA BEHIND THE INDOOR EVENTS CENTER AT THE FAIRGROUNDS SO THE INFORMATION MAY BE USED FOR POSSIBLE MODIFICATIONS TO THE STRUCTURE:

Provided to the Board for review was a memorandum from the District Attorney explaining the issue before the Board (see attached) and a copy of the proposed release of liability from Norseman Structures Inc. District Attorney Macdonald reviewed the request for the Board (see memorandum) and recommended that the Board authorize the Chairman to sign the Limitation of Liability so that Norseman Structures can acquire the necessary drawings and related information on the trusses manufactured by Cover-All for the riding arena so that the necessary modifications on the building can be pursued. Commissioner Fransway asked if this would only limit the liability on the past structure and not for any future modifications. District Attorney Macdonald confirmed that was correct, that this would be strictly limited to getting the drawings of the previous trusses. The following motion was made by Commissioner Amos and passed unanimously:

To authorize the Chairman to sign the Limitation of Liability which would release Norseman Structures Inc. from any liability for providing Humboldt County with the drawings and related information on the trusses.

PUBLIC HEARING ON A PETITION TO DESIGNATE AS A "MINOR COUNTY ROAD" IN ACCORDANCE WITH NRS 403.170(3) AND NRS 405.191 AND THE PETITION TO LOCATE AND OPEN TO PUBLIC USE IN ACCORDANCE WITH NRS 403.430(1) AND NRS 405.195 - Submitted by Schroeder Law Offices, P.C., on behalf of John DeLong, Judy DeLong, Will DeLong, Katie DeLong and DeLong Ranches Inc., and by other freeholders and residents of Humboldt County concerning roads in northwestern Humboldt County commonly known as Bliss Spring

Road, Buckbrush Springs Road, Bull Creek Road, Cedar Creek Road, Christenson Spring Road, Clover Creek Road, Deer Creek Reservoir Road, Donna Schee-Noble Spring Road, Louse Creek Diversion Road, Louse Creek Road, Lower Mary Sloan Road, North Fork Jackson Creek-Upper Mary Sloan Road, Quinn River Diversion and Ditches Road, Seven Springs Road, Shawnee Creek Road, South Jacksons Road, Sweeney Field Road, Talimidas Spring Road, Willow Springs Road, White Point Spring Road (aka Little Buckbrush Spring Road), South Bliss Spring Road, Hobo Canyon Road, Salt Water Well Road, Three C's Well Road, Little Cedar Creek Road, Alaska Canyon Road, McGill Canyon Road and Jackson Creek Ranch Road and other matters properly related thereto: Provided to the Board for review was a copy of the Amended Petition re: NRS 405.191,

403.1.70(2), 403.410(1), a copy of a letter from DeLong Ranches Inc., John DeLong President to Gene Seidlitz, District Manager Winnemucca District Office-BLM; a letter of support for the request from Lyman N. Youngberg, a copy of the Notice of Public Hearing and a copy of a letter from Therese A. Ure of Schroeder Law Offices to the Board regarding the request (all attached). Provided for inclusion in the record was a copy of the History of Use for Roads in the Jackson Mountain Area, Nevada, a copy of a spreadsheet of road descriptions and a copy of the Google Earth file. Therese Ure and Alan Schroeder of Schroeder Law Offices representing DeLong Ranches Inc., John, Judy, Will and Katie DeLong and 70 freeholders, John DeLong, Robert Schweigert and Katie DeLong appeared before the Board. Ms. Ure addressed the Board and discussed the benefits of the designation for both the DeLongs and the public, the RS 2477 designation and what is required under Nevada Revised Statute for the requested designation. Mr. Schroeder reviewed the elements and standards that needed to be used for the decision by the Board noting that the original Petition was filed on July 12, 2012 and the Amended Petition was filed on August 21, 2012 and explained the reason for the amendment; he continued reviewing the types of exhibits provided as well as the history report and used the Google Earth image to show the location of the roads in question. Katie DeLong addressed the Board regarding the history of the roads in the Jackson Mountain area including how the historical information as to ownership and usage was obtained. Mr. Schroeder explained how the roads were grouped into eight sections for ease of review and Mrs. DeLong proceeded to review each of the roads contained in the petition as to the road type, access, history and exhibits provided for groups one through eight. Following the historical review Mr. Schroeder stated that John DeLong would provide comments as the signer of the petition as to the exhibits depicting the scope and use of the roads prior to 1976. Mr. DeLong addressed the Board regarding his history in the area of the Jackson Mountains and his knowledge of the history and usage of the roads in question. Bob

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Schweigert offered comment on his background in the area and his knowledge of the roads; he continued addressing two elements - 1. That there is no sign of significant impairment to the environment by the existence of the roads and 2. That approval of the petition would ensure positive impact on the values of both private and public lands. Ms. Ure requested that the Chairman open the floor to public comment while reserving time for rebuttal. Chairman Bell asked for public comment. Don Jones addressed the Board in support of the petition noting the historical use of the roads and the benefits including access for hunting, fire control and medical assistance in case of emergencies. Buster Dufurrena spoke in support of the roads remaining open noting his use of the roads on the east side of the Jackson Mountains since he purchased his ranch in 1974 and the benefits including fire control and public use. Martin Larranetta spoke in support of the request by DeLong Ranches noting the economic benefits and the importance of allowing the public to enjoy the public lands. Mel Hummel spoke in support of the request noting his family's use of roads in the area back to 1905. Johanna DeLong spoke in support of the request noting that the DeLongs are good stewards of the range. Jeff Garijo spoke in support of the request noting the value of use of the roads to the public, the roads importance in maintenance of water springs in the area and for fire rehabilitation efforts when required. Chairman Bell asked for additional public comment; none offered. Chairman Bell asked for questions from the Commissioners. Commissioner Fransway complimented the DeLongs on the work done on the history of the roads and stated his support for that was said and the importance of protecting continued access to the public lands for which these roads are essential; he continued noting that it is essential, for that reason, that the process be done right which this one has in relation to the Act of 1866 RS 2477 roads and that any possible action taken could be challenged. Commissioner Fransway asked about the request that the Commissioners declare a 50 foot right-of-way on each side of the center and questioned the ability of doing that under the RS 2477 requirements voicing his concerns about the issue. Commissioner French noted revisions to the Wilderness Bill which made 50 foot right-of-ways acceptable for certain purposes and his belief that this request would be consistent with those revisions. Mr. Schroeder addressed Commissioner Fransway's concerns related to the right-of-way issue citing precedence set by the United States of America, precedence set by the Federal Court from the State of Nevada and the discretion of the Board in terms of the evidence as presented if they choose to accept it. Commissioner French commented on his familiarity with the roads being discussed, his involvement when the NCA was established in the area and his familiarity with the arguments presented at that time which have been addressed in the information provided by the petitioners; he complimented the petitioners on establishing the factual requirements for

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this designation. Commissioner French noted for the record that the Wilderness Study Area designations for the north and south Jacksons had been looked at and at that time it was the determination of the BLM that it did not have wilderness characteristics and it was not recommended for wilderness designation, that it was known at the time that there were going to be significant issues with inholdings and with roads, that the attempt had been to revise and to include the roads being discussed today but that had been unsuccessful. He discussed the importance of the roads for ranches, recreation and wildlife management. Chairman Bell offered his agreement, thanked the petitioners for the detailed history of the area and asked how the Board would now proceed. Ms. Ure informed the Board that the next step would be the submission of a proposed findings of fact and conclusions of law for the Commission's consideration. She suggested that occur in two weeks at the next meeting. She noted, for the record, the notification to the BLM of this hearing by DeLong Ranches. District Attorney Macdonald noted, for the record, that the Clerk had published the notice of hearing as required and had sent notification of the hearing to the BLM by certified mail. Clerk Spero informed the Board that she had also emailed the notice to District Manager Seidlitz at the local BLM office. Ms. Ure continued noting that all elements of the law have been met and the request would be that the Commission approve the amended petition based upon the submission of the findings of fact and conclusions of law and issues an order approving the petition. Mr. Schroeder noted the approval would be of the petition as amended as some of the exhibits attached to the original petition have been modified. The following motion was made by Commissioner Fransway:

To accept the petition granting acceptance as minor roads as listed in the original petition of 7/12/2012 and the amended petition of 8/21/12 presented to the Board of County Commissioners on this date. That the County Commission declares that each of the subject roads shall establish a right-of-way of fifty foot on each side of the center line as established by the creation of the NCA or a width to be determined as reasonable. These roads shall also be inventoried as outlined under the act of 1866 RS 2477 as public roads to be used for the benefit of the public under the multiple use concept in perpetuity.

Commissioner French asked if it would be beneficial to read the names of roads which have been included. Commissioner Fransway stated he had said "as listed" in the original and amended petitions. Chairman Bell asked if that would meet the needs of the petitioners. Mr. Schroeder stated that it would with the addition of subject to the proposed findings of fact, conclusions of law that the Commission would review as in essence the Board is taking under advisement this information as received subject to review of the proposed findings of fact, conclusions of law by the Board with counsel. Commissioner

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Fransway asked if it would be appropriate to amend his motion to include “based on findings of facts presented today”? Mr. Schroeder explained what would be included in the findings of fact and stated that it was premature for the Commission to accept or reject them until the proposed findings of fact and conclusions of law are reviewed; he suggested that final action on approving the motion be deferred until the Board has the written findings of fact, conclusions of law in front of it and then at the future meeting the Board accept or reject, in whole or in part those petitions. Commissioner Fransway asked that his motion be on the floor until such time as the Board receives the findings of facts necessary to take a vote. District Attorney Macdonald asked for clarification that no action is being taken on this item and the Board is continuing the matter to the next meeting. Commissioner Fransway agreed but noted that the motion is an active motion. Chairman Bell concurred stating that action will be taken at the next meeting but the Board is continuing the matter at this time. District Attorney explained the process which is being proposed. Chairman Bell directed this item to be placed on the next agenda and action will be taken at that time and that the consensus of the Board is to approve this petition subject to the findings of fact.

Chairman Bell recessed the meeting at 12:26 p.m. to reconvene at 1:30 p.m.

MEETING WITH THE NEVADA DIVISION OF ENVIRONMENTAL PROTECTION (NDEP) CONCERNING SOLID WASTE LANDFILL PERMIT #SW495REV00 CONCERNING QUESTIONS RELATING TO THE CHANGE OF OWNERSHIP OF THE LAND FOR THE LANDFILL SITE AND THE EFFECT ON THE PERMIT:

Provided to the Board for review was the letter sent by the Board of County Commissioners on August 24, 2012 to NDEP with questions regarding change of ownership of land, a copy of a letter submitted by Commissioner Fransway with questions for NDEP, a copy of an e-mail sent to the Administrator from Richard Cook containing questions for submission to NDEP and a letter from Fred Baryol to the Administrator containing questions for NDEP (see all attached). Nevada State Deputy Attorney General Cassandra P. Joseph and Eric Noack, Bureau Chief of Waste Management with the Nevada Division of Environmental Protection (NDEP) appeared before the Board. Ms. Joseph provided the Board with a copy of the letter sent from the NDEP with the permit and addressed the Board regarding the reason that representatives of NDEP had been unable to attend the prior meeting at which this issue was discussed; she stated that the permit has been litigated at length so their purpose in appearing today was to address the ownership issue not to revisit any prior issues. Commissioner Fransway stated that G. Fred Lee’s report was Humboldt County’s official comments and that the County retains the right to know if it was received and asked if it was, why could he not find any notice of it being considered? Ms. Joseph stated that the report had been received, was

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considered, was discussed and it is part of the record. Mr. Noack commented that they had thoroughly reviewed the report and Dr. Lee's comments in their response to comment document and had chosen not to refer to any commenter by name. Ms. Joseph proceeded stating that a modified permit had been issued which does two things. She explained that it corrects the name of the operator listed on the permit from Recology to Jungo Land & Investments Inc.; she detailed the facts surrounding the change including that the application always identified the operator as Jungo Land & Investments Inc., that the financial assurances were provided by Jungo Land & Investments, Inc. and stated that Jungo Land & Investments Inc. was always intended to be the operator on the permit and it was simply an error in misidentifying the entity, it was an easy correction and has no effect on the entity that is responsible financially or otherwise. She noted that in that regard it is also Jungo Land & Investments that is the permittee on the conditional use permit so that is consistent as well; that NDEP has authority to correct the name on the permit under section 2.2 of the permit as well as under NAC 444.643. She continued explaining the second correction was to the land owner identifying New Nevada Lands LLC as the land owner instead of Nevada Land and Resource Company LLC, that New Nevada Lands LLC is a wholly owned subsidiary of Nevada Land and Resource Company LLC, that at the time the application was filed Nevada Land and Resource Company, LLC was the land owner therefore the regulations were complied with, that when NDEP was notified of the transfer they immediately took action to correct the permit to identify the accurate landowner. Ms. Joseph noted that what is key here is that the land owner was not providing the financial assurances, the operator who never changed was providing those assurances so due to that it was an easy modification, the transfer was allowed under section 2.2 of the permit as well as NAC 444.643; she commented on the new land owners knowledge of what was occurring on the land. Commissioner French asked how common it was for a State regulatory entity to initiate changes to a permit without being formally requested to by the applicant. Mr. Noack stated that it was not uncommon and discussed how changes are often found during inspections and modifications are issued though there is a responsibility for the applicant to notify and report as well. Commissioner French noted that under 2.2 of the permit it stated that the applicant would contact NDEP with a change of ownership which did not happen and commented on letters he had found which had been received by NDEP during the public comment period which identified the issues at hand including one from Recology; he stated his concern with due diligence and the community's reliance on that due diligence by NDEP. Mr. Noack responded to what he believed had occurred. Chairman Bell asked for further questions from the Commission; none offered. Commissioner French offered a statement which had to do with his concerns relative to NDEP's ability

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to adequately perform the duties it is required to do with a project of this type and discussed his concerns about reductions in budget and manpower in the agency that could affect their ability to monitor this project with due diligence; he asked what assurances Mr. Noack could offer to the folks of Humboldt County relative to the remaining due diligence that NDEP carries a responsibility for and what can be expected from NDEP relative to the real key issues which are in the future. Mr. Noack responded noting that NDEP is fully funded and fully staffed and that they fully intend to maintain their inspection schedules both during construction, after construction and during operational phases as well; he offered his assurances that they will be out here not only for the inspections that are done regularly but in response to any complaint investigation or request as is done with any landfill. Commissioner French stated that he has significant concerns as do many people in the community that they will inherit something where they will be dropped through the cracks and forgotten on this thing; he continued stating his knowledge of the significant changes which had been made to the permit relative to liners, monitoring protocol and post closure protocol but noted that they are only as good as the folks that enforce them. Chairman Bell commented on the need for the Commission to know who has the financial responsibility due to the upcoming negotiations for the host agreement and the need to confirm that there was a valid permit. Mr. Noack explained that the financial assurance is in the form of a trust and explained how the trust would be funded. Commissioner Fransway asked if Humboldt County could be assured that Jungo Land and Investments has the assets available to commit to those financial assurances and protect Humboldt County. Mr. Noack stated yes and explained how NDEP monitors the trust. Discussion occurred regarding how the trust is maintained, that it is maintained throughout the life of the landfill and closure, that the closure is expected in thirty years unless there is reason to extend it for cause and that if the closure is extended the financial mechanism is also adjusted. Commissioner French asked what guarantees Humboldt County gets, given the site location and their responsibility to fix a problem if it occurs, that the financial resources will be available for that. Mr. Noack explained how the funds available in the trust must exceed the amount it would take to close the landfill. Ms. Joseph added that the purpose of the trust is specific to the landfill and for closure of the landfill, that NDEP is the beneficiary but it is for a specific purpose so it is tied to the specific site. Commissioner French commented that it would be impossible to determine what the cost would be to clean up something like contamination of the ground water and that ultimately the long term responsibility would fall to Humboldt County. Mr. Noack explained that the financial instrument, the trust, is inflated to cover those type of eventualities, that it is an ongoing review and if something like that was found the trust would be enlarged

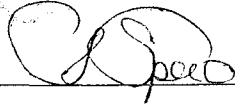

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to exceed the amount it would take to resolve the issues. Discussion occurred regarding how the amount needed to be on deposit was determined and how the fund is enforced. No further questions were presented by the Commission. Chairman Bell thanked Mr. Noack and Ms. Joseph for appearing.

PUBLIC COMMENTS: Chairman Bell asked for public comments. Mike Meagher questioned Mr. Noack about the landfills in the State that take out of state garbage. Mr. Noack responded. Discussion occurred regarding which landfills in the NDEP database actually take out of state garbage. Mr. Meagher voiced his concerns about NDEP's due diligence in monitoring those landfills which take out of state waste and the permit issuance process. Commissioner Cassinelli stated that NDEP had answered the questions as requested and that he did not see why they needed to listen to Mr. Meagher's comments. Discussion occurred between Commissioner Cassinelli and Mr. Meagher regarding the issue. District Attorney Macdonald commented on NDEP's responsibilities in issuing permits to allow facilities to accept out of state waste and the operator's responsibilities. Debra Lyon addressed the Board regarding NDEP and concerns about water table contamination. Debra Gay addressed the Board regarding concerns about contamination of the water table and whose responsibility it would be to clean it up if it occurred. Commissioner French noted the information provided by Mr. Noack regarding the trust fund. Commissioner Fransway commented that the potential degradation of the ground water was one of the main concerns in Dr. Lee's report but he didn't believe that NDEP considered the issue and that they won't consider it until something occurs. Rodd Stowell addressed the Board regarding NDEP's record being far from stellar and citing various issues which have occurred; he continued updating the Board on the Jake Owens concert which had occurred at the Events Complex over the Labor Day weekend. Chairman Bell asked for further public comment; none offered.

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

ATTESTED:  Clerk APPROVED:  Chairman

HUMBOLDT COUNTY DISTRICT ATTORNEY'S OFFICE

Memorandum

To: Mike Bell, Chairman
Jim French, Vice-Chairman
Garley Amos, Commissioner
Dan Cassinelli, Commissioner
Tom Fransway, Commissioner
Bill Deist, County Administrator

From: Michael Macdonald, District Attorney *Mike*

Date: August 27, 2012

Re: Riding Arena at Fairgrounds - Limitation of Liability to obtain drawings of trusses

Please find attached for your review and consideration a release of liability form from Norseman Structures Inc. which is necessary to obtain the drawings and related information for the existing trusses in the riding arena behind the indoor events center at the fairgrounds.

For a little background, we have been trying to gather information on the cost to repair and/or modify the existing structure to withstand greater wind loads. The problem has been that we have not been able to get sufficient information on the existing trusses. The manufacturer of the trusses was Cover-All and it went bankrupt and dissolved. Norseman Structures acquired the drawings from Cover-All and is willing to provide us with the drawings and related information on the trusses as long as we sign the attached release.

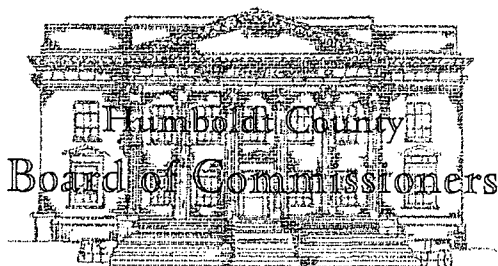
According to my telephone conversation on August 24, 2012 with Richard Warren, P.E., the engineer that we have retained, after we receive the drawings from Norseman, he will review them and incorporate the information into his plans for the arena building. Mr. Warren also indicated that he would wet stamp the plans for the building. He also indicated that the drawings would be necessary to provide to companies that could build additional trusses so that we can put together cost estimates for the modifications. Ultimately, the company that manufactures the additional trusses will also have to provide a warranty on the new trusses that are built.

Therefore, I recommend that the Board authorize the Chairman to sign the attached Limitation of Liability form so that we can continue to gather information concerning the necessary modifications on the building.

ATTACHMENTS FOR ITEM 6
DESIGNATION OF "MINOR COUNTY
ROADS" BY DELONG RANCHES INC. ET
AL ARE INCLUDED IN SEPARATE BINDER
LABELED
"HUMBOLDT COUNTY COMMISSION
MINUTES BOOK - B(1)

County Commissioners:

MIKE BELL, *Chairman*
 JIM FRENCH, *Vice Chairman*
 GARLEY AMOS
 DAN CASSINELLI
 TOM FRANSWAY



County Administrator:
 BILL DEIST

COURTHOUSE, ROOM 205
 50 W. FIFTH STREET
 WINNEMUCCA,
 NEVADA 89445
 Phone: (775) 623-6300
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August 24, 2012

Mr. Eric Noack
 Bureau Chief of Waste Management
 Nevada Division of Environmental Protection
 901 South Stewart Street, Suite 4001
 Carson City, Nevada 89701-5249

Re: Jungo Landfill – Questions regarding change of ownership of land

Dear Mr. Noack:

The Humboldt County Board of County Commissioners respectfully requests a representative of the Nevada Division of Environmental Protection to attend our next meeting on September 4, 2012. The purpose of this request is to answer questions that the Commission has concerning the change of ownership of the land for the Jungo Landfill. Below is a summary of information concerning the owner and operator of the project, as well as the financial assurance necessary from the entities. In addition, the Commission provides the specific questions which it would like to be addressed.

Pursuant to Nevada Administrative Code 444.677, the application for a permit to operate a class I landfill must include the name, location and mailing address of the site, the owner of the site, the operator of the site, and the authorized agent of the owner. In this case, the application prepared by Golder Associates provided that Jungo Land and Investments, Inc. would be the landfill developer and operator.

On February 12, 2007, Nevada Land & Resource Company, LLC recorded an Amended and Restated Notice of Non-Responsibility in the office of the County Recorder of Humboldt County, Nevada as Document No. 2007-1052 of Official Records. This Notice relates to the Lease and Option to Purchase with Jungo Land and Investments, Inc. and provides that it will not be responsible for any claims arising from work on the real property, among other things.

Mr. Eric Noack
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In December 2008, NDEP received a letter from the owner of the property, Nevada Land & Resource Company, LLC, dated November 19, 2008, stating that Jungo Land was leasing the property with an option to purchase.

In the February 7, 2011 letter from NDEP to Recology, General Comment No. 2, stated:

Please note that NAC 444.677(2) requires proof of ownership of the land be specifically owned by Jungo Land & Investments Inc. (JLII) for the purposes of establishing the responsibility of Financial Assurance. The current documentation (Appendix A Operations Plan) shows Nevada Land and Resource Company LLC (NLRC) as the current owner. Prior to issuance of the Permit, NLRC must either transfer the property to JLII, or NLRC would be identified as the owner and JLII will be identified as the operator. In this event, NLRC would be the responsible financial party and necessitate submission of Financial Assurance for the Closure and Post Closure for the Site.

The second paragraph of section 1.1 Site Description of the Plan of Operations -- Revision 4, dated April 2011 of the Application for Landfill Permit stated:

The facility will be operated by JMI in accordance with applicable State of Nevada solid waste regulations. The land is currently owned by Nevada Land and Resources, Inc. but will be acquired by JLII prior to development. JLII currently has a leasehold interest with an option to purchase the property, which JLII plans to exercise once the necessary State permits have been obtained. Property ownership documents will be maintained in the landfill operating record.

The Commission has been informed that sometime prior to November 30, 2011, Nevada Land & Resource Company, LLC was purchased by Conduit, LLC. In addition, Conduit, LLC created subsidiary LLC's having the names of New Nevada Land, LLC and New Nevada Resources, LLC. On November 30, 2011, Nevada Land & Resource Company, LLC recorded various documents which transferred numerous properties to New Nevada Land, LLC and transferred the mineral rights associated with its properties to New Nevada Resources, LLC.

As it relates to the Jungo Landfill, the property which is subject to the permit, consisting of section 7 of Township 35 North, Range 33 East, M.D.B.&M., was transferred, as well as numerous other parcels of land on November 30, 2011 from Nevada Land and Resource Company, LLC to its sister subsidiary, New Nevada Lands, LLC, by the Grant Bargain and Sale Deed recorded on November 30, 2011, in the office of the County Recorder of Humboldt County, Nevada as Document No. 2011-6142 of Official Records. On January 24, 2011, the same Grant Bargain and Sale Deed was re-recorded to correct the legal description on the

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original Deed, in the office of the County Recorder of Humboldt County, Nevada as Document No. 2012-466 of Official Records.

Nevada Land and Resource Company, LLC assigned its rights in the Lease Agreement with Option to Purchase for the Jungo Landfill property, among other things, to its sister subsidiary, New Nevada Lands, LLC, in the Assignment and Assumption of Leases and Agreements recorded on November 30, 2011, in the office of the County Recorder of Humboldt County, Nevada as Document No. 2011-6144 of Official Records. On January 24, 2011, the same Grant Bargain and Sale Deed was re-recorded to correct the legal description on the original Deed, in the office of the County Recorder of Humboldt County, Nevada as Document No. 2012-467 of Official Records.

The mineral rights on the Jungo Landfill property, as well as the mineral rights to other properties, were transferred from Nevada Land and Resource Company, LLC to its sister subsidiary, New Nevada Resources, LLC, by the Grant Bargain and Sale Mineral Deed recorded on November 30, 2011, in the office of the County Recorder of Humboldt County, Nevada as Document No. 2011-6139 of Official Records. On January 24, 2011, the same Grant Bargain and Sale Mineral Deed was re-recorded to correct the legal description on the original Deed, in the office of the County Recorder of Humboldt County, Nevada as Document No. 2012-464 of Official Records.

On February 29, 2012, the NDEP issued the Class 1 Solid Waste Disposal Site Permit for the Jungo Landfill. The permit lists Nevada Land & Resource Company, LLC as the owner of the property, not New Nevada Lands, LLC. The permit also identifies Recology as the operator, rather than Jungo Land & Investments, Inc. as indicated in the application.

Section 2.2 of the Permit states "This Permit may be transferred to a subsequent owner or operator only if the solid waste management authority approves the transfer based on documentation of financial responsibility provided by the new owner or operator."

Based on the above, the Commission specifically asks the following questions:

1. Is the NDEP Class 1 Solid Waste Disposal Site Permit No. SW495REV00 valid? If so, to whom?
2. Has New Nevada Lands, LLC submitted evidence of financial responsibility for this project?
3. Will the NDEP allow New Nevada Lands, LLC to alter the permit after the fact?