

Monday, August 19, 2013

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, August 19, 2013, at 9:30 a.m. in the regular place of meeting at the Courthouse, Winnemucca, Nevada. Those present were Chairman Jim French, Commissioners Dan Cassinelli, Garley Amos Jr., Mike Bell and Marlene Brissenden, District Attorney Michael Macdonald, Administrator Bill Deist and Clerk of the Board Tami Rae Spero.

PUBLIC COMMENTS: Chairman French asked for public comments. Don Arnold a resident of Brayton Road addressed the Board regarding issues with off highway vehicles on the road including speed and the resulting dust. Discussion occurred regarding the issue. No further public comment offered.

DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - AUGUST 5, 2013:

No minutes submitted for consideration.

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:** Requests from Harris, Barrett & Ramirez were provided to the Board for review. *Recommendation That the Commission approve the request as recommended by the Assessor and Treasurer.*
2. **Acknowledgment of receipt of Clerk's quarterly reports:** The Clerk's reports for the first and second quarters of 2013 were provided to the Board for review. *Recommendation: That the Commission acknowledge receipt of the reports.*

The following motion was made by Commissioner Ames 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 notified the Commission that the Building Department would be sending an employee to training in California in September related to brace wall system requirements and that a nuisance complaint filed by Kevin

8/19/2013

Page 1 of 6

Chatfield has not been brought before the Commission as a result of discussion with the District Attorney. Upcoming meetings and dates of importance were noted. Discussion occurred regarding the upcoming NACO Conference.

REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES

THEY SERVE ON: Commissioner Cassinelli discussed the Nevada Public Lands Task Force and upcoming events related to the task force. Commissioner Amos discussed the Humboldt River Basin Water Authority meeting he had attended. Commissioner Brissenden discussed the Debt Management Meeting she had attended. Chairman French commented on the NACO Board of Directors meeting he had attended. Discussion occurred related to the upcoming Nevada Day Parade.

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

To approve the claims.

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

VH-13-04 - A variance application submitted by Desert Mountain Surveying as agent for the Willard Garvey Revocable Trust to reduce the required minimum lot size in the M - 3 (Open Land Use) from 2.5 acres to .25 acres. The .25 acres will be created by filing a parcel map and transferred to the Orovada General Improvement District. The parcel will continue to be used for water tank site. The property is located at the east end of Rock Creek Road; APN 003-401-34;

Provided to the Board for review was a copy of the Planning Department Staff Report recommending approval, a copy of the Application for Variance, a map of the location and a copy of the Planning Department's Notice of Public Hearing. John H. Milton III of Desert Mountain Surveying was present as agent for the applicant. Chairman French read the title of the matter to be heard. Mrs. Lawrence reviewed the application and recommended approval. Mr. Milton explained what had occurred with the transfer of the water tank site back in the 1970's at which time the deed was not properly recorded. Administrator Deist noted that discussion related to this issue had occurred at the prior meeting. After discussion the following motion was made by Commissioner Amos:

To approve VH-13-04 a variance application.

Chairman French asked for public comment; none offered. Chairman French called Commissioner Amos's motion to a vote and it passed unanimously.

REQUEST FOR A GRANT OF EASEMENT FROM NV ENERGY FOR FACILITIES ON

8/19/2013

Page 2 of 6

WINNEMUCCA MOUNTAIN: Provided to the Board for review was a copy of an e-mail from Chris Robinson of NV Energy to Ric Grantham of the Humboldt County Communications Department explaining the need for the easement for an anchor for one of NV Energy's lines in parcel number APN 010-031-02 including a map and image of the site (see attached) and a copy of the proposed Grant of Easement document. Administrator Deist referred the Commission to the explanation contained in the e-mail. District Attorney Macdonald reviewed the request and requested authority to grant the easement to NV Energy. After discussion the following motion was made by Commissioner Bell and passed unanimously:

To grant the easement to NV Energy for the facilities on Winnemucca Mountain.

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

REPORT OF PENDING ROAD DEPARTMENT PROJECTS: Superintendent Garrett reported on the chip seal project, the railroad crossing project, the Imlay cutoff project and he noted that the corrections related to the mag chloride project have been completed. He continued reporting on road grading and cattle guard work. Chairman French asked if Hycroft Mine was keeping up with the maintenance on Jungo Road as both he and Commissioner Brissenden had received complaints. Superintendent Garrett stated the he would go out and check on it and get a hold of the mine if necessary.

MISCELLANEOUS ROAD RELATED MATTERS: Chairman French commented on complaints related to Brayton Road which had been expressed during public comment. Superintendent Garrett stated that the County only maintained a portion. Don Arnold who had spoken earlier under public comment noted that a promise had been made that the road would be included in the mag chloride application project. Superintendent Garrett noted that it had not been included in the roads approved by the Board for the project but stated that it could be added and that it might be able to be addressed this year as additional mag is needed on Jungo Road.

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

PRESENTATION OF CERTIFICATES OF RECOGNITION FOR THE SHERIFF'S OFFICE AND DISPATCH CENTER FROM THE OFFICE OF THE GOVERNOR: Sheriff Kilgore explained that this recognition is for actions taken for the response to the mass casualty multi vehicle accident on I-80 which occurred during a dust storm on June 10, 2013. Chairman French commented on how the incident was handled and how that reduced the number of possible fatalities. Sheriff Kilgore commented on the agency cooperation during the event and the benefit of that community cooperation. Chairman French read the Certificates of Recognition from Governor Brian Sandoval which were

awarded to the Humboldt County Sheriff's Office and the Humboldt County Dispatch Center. Sheriff Kilgore noted recognition for individuals in the audience from the Winnemucca Fire Department, the Humboldt County Emergency Medical Services team and the Winnemucca Police Department that had responded to the incident as well. Chairman French and Commissioner Brissenden offered their thanks for the services provided.

REQUEST TO HIRE A CENTRAL CONTROL SUPERVISOR: Sheriff Kilgore noted that the request to hire a Central Control Supervisor had been tabled until the PSAP Study was complete and now the need is becoming critical; he explained the duties of the position and spoke in support of the request to hire. Administrator Deist noted that this position is not included in the current budget and that the position had not been adopted in the recently approved comp/class study so no salary range has been set. Sheriff Kilgore stated his belief that the current budget included the position and noted that it would not be an additional hire, that one of the current positions would be bumped up to a supervisory one. Administrator Deist noted his concerns that no savings in the current budget have been identified to offset the additional cost and commented on the prior year's budget and the amount it had been over budget. Commissioner Bell commented on his concerns related to lack of accountability as to overtime as there is no request for pre-approval by the Board. Administrator Deist noted that public safety positions and the road department are exempt from the requirement for overtime approval. Chairman French commented on the need to know what this supervisor will provide and whether there is room in the budget as it stands. Sheriff Kilgore explained that the Dispatch Supervisor is handling the duties right now but noted that Dispatch will be moving to the new Dispatch Center in the near future; he again noted that he would be bumping up a current employee, that it would not require another employee and offered suggestions on how to set the salary. Discussion occurred regarding the effect of not having this position on the overtime for this department due to the minimum staffing, the difference between this position and the Dispatch Supervisor and the possibility of the pay grades being similar. Commissioner Bell suggested that more information be obtained as to what the salary range would be and that the item be brought back once that information is gathered. Sheriff Kilgore commented that the need is at the critical stage and noted his concerns about liability issues due to not having supervisory coverage. Chairman French suggested that the matter be brought back at either the first or second meeting in September and directed the County Administrator to obtain the necessary information. Discussion occurred regarding the budget for the Sheriff's Office.

DISCUSSION WITH THE CO-CHAIRS OF THE STATE EMERGENCY RESPONSE

COMMISSION (SERC) REGARDING LOCAL EMERGENCY PLANNING COMMISSION (LEPC) ISSUES OF NON-COMPLIANCE WITH FEDERAL AND STATE LAWS:

Karen J. Pabón, Executive Director of the State of Nevada Emergency Response Commission and the Co-Chairmen of the Commission Peter J. Mulvihill, Chief of the State Fire Marshal Division and Richard Brenner, Hazmat Coordinator of the Clark County Fire Department appeared before the Board. Provided to the Board for review were copies of e-mails from the Executive Director to LEPC representatives requesting copies of meeting minutes and a hazmat plan update as required by the administrative code, SERC regulation and the open meeting law. Provided to the Board at the meeting was a memo related to the State of Nevada State Emergency Response Commission explaining the purpose of SERC, the fees collected by SERC, the availability of grants from SERC to compliant LEPCs and a request from SERC that Humboldt County take appropriate action to protect its citizens by complying with the applicable laws by December 31, 2013. Executive Director Pabón detailed for the Board the manner in which the local LEPC was out of compliance, she noted that some information had been provided immediately prior to this meeting. Co-Chairman Mulvihill discussed the requirements and offered assistance with bringing the LEPC into compliance. Chairman French asked about prior attempts to bring the group into compliance. Director Pabón explained what had occurred. Chairman French noted for the record that this was the first time he had been made aware of the problem and that he was not happy about it; he suggested that the LEPC take the SERC up on their offer to assist with bringing them into compliance. Discussion occurred regarding the time frame to come into compliance, the assistance that can be provided and the benefits of being in compliance and the possibility of having an Emergency Management Manager. Chairman French asked if the components exist to comply. Sheriff Kilgore assured the Board that the deadline would be met for compliance. Commissioner Bell asked about the ability to stay in compliance in the future. Administrator Deist commented that he believed that what is already available and in place will allow for continued compliance. Chairman French asked for an update on this item at the September 16th Commission meeting.

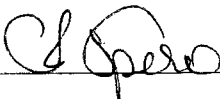
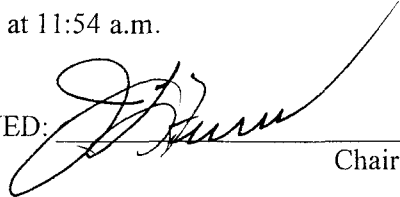
DEVELOPMENT OF GOALS AND OBJECTIVES FOR THE COUNTY ADMINISTRATOR AND THE PROCESS AND FORMS TO BE USED FOR CONDUCTING THE PERFORMANCE EVALUATION OF THE COUNTY ADMINISTRATOR:

District Attorney Macdonald provided information to the Board regarding the job description for the County Administrator and evaluation items already in place in the County Policy & Procedures Manual; he discussed research he had done related to how this is handled in other Counties. Discussion occurred regarding the current evaluation form used for

other employees, other types of evaluations, if modifications would be needed to the current form if used and the method that would be used for the process. After discussion the Board reached a consensus that the existing form would be used for evaluating the Administrator.

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

ADJOURNMENT: Chairman French adjourned the meeting at 11:54 a.m.

ATTESTED:  Clerk APPROVED:  Chairman

(Minutes approved by the Commission and signed by the Chairman on 9-16-2013)

UNOFFICIAL

MEMORANDUM

TO: COMMISSIONERS
FROM: ADMINISTRATOR
DATE: August 13, 2013
SUBJECT: CONSENT AGENDA

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

1. Request for adjustment to the Real Property Tax Roll: Attached are the requests for your review.

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

2. Acknowledgement of receipt of Clerk's quarterly reports: Attached are the reports as presented by the Clerk.

Recommendation: That the Commission acknowledge receipt of the report.

MEMORANDUM

TO: COUNTY COMMISSIONERS
FROM: COUNTY ADMINISTRATOR
DATE: August 13, 2013
SUBJECT: OTHER INFORMATION AND UPCOMING MEETINGS

OTHER INFORMATION:

1. Out of State Travel: The Building Department will be sending an employee to California for training in September. The reason for sending the person to California is that the training is not offered in Nevada. The training is related to brace wall system requirements covering wind and seismic design as they apply to wall bracing. This will be part of the new code requirements which will be brought to you for adoption in January.
2. Nuisance complaint filed by Mr. Chatfield: This complaint has not been brought forward as a result of discussion with the District Attorney. The property in question is involved in a civil law suit which complicates matters. The District Attorney can address specific questions if you have them.

UPCOMING MEETINGS:

- | | |
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| 1. August 22, 2013 | HCLEA negotiations |
| 2. August 22, 2013 | Meeting with Engineer regarding water conference |
| 3. September 2, 2013 | County Holiday |
| 4. September 3, 2013 | Commission |

RECEIVED

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ADMINISTRATOR/
COMMISSIONERS

Ric Grantham

From: Robinson, Chris <ChrisRobinson@nvenergy.com>
Sent: Friday, April 26, 2013 3:20 PM
To: 'HCCDRic@SBCGlobal.net'
Subject: Blanket Easement for Winnemucca Moutain Parcel
Attachments: Draft Humboldt County Easement 4-26-13.pdf

Thank you for getting back to me. I have been working with Paul Burkholder, but I understand he recently retired. Let me bring you up to date:

I initially contacted Paul last November regarding the process to obtain an easement for an anchor on one of our lines in the Humboldt County parcel APN 010-031-02. In researching how the lines came into being, it appears they were originally constructed in the late 1940's to serve military installations associated with the former Air Force base, then additional service was required in the early 1950's to serve a radio repeater site for the Highway Patrol. Those facilities were expanded in the 1960's when the land was returned to the BLM, including the connections to the current FAA building on the adjoining parcel APN 010-031-01 (owned by . A portion of the area was then transferred to the State of Nevada, who subsequently deeded a portion to Humboldt County, and a portion to a private company.

Although it is clear we have prior rights to the facilities installed, it is not clear what existing easements are in effect for the Humboldt County parcel. Easements originally obtained directly through the military and subsequently through the BLM, were supposed to be retained for existing infrastructure, but there is a possible gap in the period immediately preceding the ultimate transfer from BLM to State Lands, impacting the retention described in the transfer deed from State Lands to Humboldt County (Book 87 Page 359 #169830). That document was subsequently corrected (Book 118 Page 377 #191339). In discussions with Paul, the concept of a blanket easement across the parcel came up to cover not simply the anchor, but to clear up any questions devolving from the existing lines across the parcel and the associated access to service those facilities. I forwarded a draft easement document to Paul in early December, 2012, to send around for discussion.

Unfortunately, other than a brief discussion with Paul that the easement was being positively received, I have no idea what may have been accomplished relative to circulation of the document. I am sure with the impending retirement, it may simply have slipped off his radar. Therefore, I am providing you with the same information and request for a blanket easement across the parcel. The NV Energy standard document for such an easement is attached for your consideration. Of course, I am available to answer any questions or provide additional information.

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