

Monday, October 7, 2013

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, October 7, 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. None were offered.

DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - SEPTEMBER 3, 2013 REGULAR MEETING AND THE SEPTEMBER 16, 2013 REGULAR MEETING:

Chairman French asked for corrections/additions for the minutes of September 3, 2013; none offered. The following motion was made by Commissioner Amos and passed unanimously:

To approve the September 3, 2013 regular meeting minutes.

Chairman French asked for corrections/additions for the minutes of September 16, 2013; none offered. The following motion was made by Commissioner Amos and passed unanimously:

To approve.

ADMINISTRATIVE REPORT:

CONSENT AGENDA: The following items were presented under the consent agenda by Administrator Deist for the Board's review/action:

1. CDBG Quarterly Report for July, August and September: A copy of the quarterly report was provided to the Board for review. *Recommendation: That the Commission authorize the Chairman to sign the report.*
2. Approval of areas to gather petitions: Copies of the Notices of Designated Areas were provided to the Board for review. It was noted that this is an annual requirement and that the designated areas remain unchanged from the prior year. *Recommendation: That the Commission authorizes the Chairman to sign the notices.*

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.

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MISCELLANEOUS REPORTS AND CORRESPONDENCE:

OTHER INFORMATION AND UPCOMING MEETINGS: Administrator Deist noted for the Board that during the discussion at a prior meeting about the issue with Savage Drive it was noted that the County lacked an easement for a portion of Western Horizon and would need to pursue said easement; as such NFC Land & Cattle LLC had provided a letter to the Commission confirming that NFC Land & Cattle LLC/Crawford Cattle LLC will, upon closing of sale between parties, see that a thirty foot easement would be granted to the County (see attachment). Upcoming meetings and dates of importance were noted. Discussion occurred regarding the Savage Drive matter including the ability of private citizens to obtain the approach permit and issues with other private property owners related to the easement access.

REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES

THEY SERVE ON: Commissioner Cassinelli and Chairman French discussed the Public Lands Task Force meeting that had occurred noting that a consultant was being hired and the proposal included that all the Counties would split the cost so the matter would need to be placed on a future agenda for discussion. Commissioner Amos and Commissioner Cassinelli reported on a meeting with the Forest Service related to issues with spraying the weed water hemlock. Commissioner Brissenden reported on the Hospital Board, the Sheriff's Citizens Academy and the Lazy P corn maze event.

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

To approve the expenditures for the period.

2014 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM PLANNING: Administrative Assistant Brenda Willey appeared before the Board.

THE GRANT APPLICATION PROCESS: A copy of the Notice of Public Hearing was provided to the Board for review. Ms. Willey reviewed the process for application for the CDBG grant for the Board including the time line for application and what applications may be received that she was aware of.

SUMMARY OF PAST PERFORMANCE FOR CDBG GRANTS RECEIVED BY HUMBOLDT COUNTY SINCE 1984: A Summary of Past Performance for CDBG Grants report was provided to the Board for review. Ms. Wiley reviewed the status of past CDBG grants for the Board.

HUMBOLDT COUNTY'S ANNUAL HOUSING AND COMMUNITY DEVELOPMENT NEEDS STATEMENT: Provided to the Board for review was a proposed letter from the County Commission Chairman requesting that the CDBG Advisory Committee accept the Housing Needs Assessment of

Winnemucca and Surrounding Areas which was done in 2008 as the Housing Needs Study required for the CDBG application process for 2014.

ANNUAL PARTICIPATION STATEMENT: A copy of the proposed Annual Participation Statement prepared for the Chairman's signature was provided to the Board for review. Ms. Willey reviewed the statement for the Board.

After discussion the following motion was made by Commissioner Brissenden and passed unanimously:

To approve the CDBG participation statement and the summary of past performance and the grant application process and to authorize the Chairman to sign the appropriate documentation.

REQUEST FROM THE PLEASANT SENIOR CENTER FOR A WAIVER OF THE FIRE CODE REVIEW FEES FOR THEIR KITCHEN AND DINING FACILITIES PROJECT: Senior Citizens

Center Director Patricia Tindall appeared before the Board. Administrator Deist noted that this matter is on the City Council Agenda for tomorrow and that their plan is to waive fees for the City building department; he offered the recommendation that the County waive the fire code review fees for this project. Director Tindall discussed the project and the amount of the fees. After discussion the following motion was made by Commissioner Bell and passed unanimously:

To waive fees for the fire code review for the Pleasant Center Senior Center.

REQUEST FROM THE WINNEMUCCA DOMESTIC VIOLENCE SERVICES FOR THE COMMISSION TO PROCLAIM THE MONTH OF OCTOBER AS DOMESTIC VIOLENCE

AWARENESS MONTH 2013: A copy of the proposed proclamation was provided to the Board for review. Administrator Deist noted that this is an annual request and offered the recommendation that the proclamation be adopted. The following motion was made by Commissioner Amos and passed unanimously:

To adopt October as domestic violence month.

(Resolution No. 10-07-13)

POSSIBLE APPROVAL OF SCREENINGONE MEMBERSHIP AND SERVICE AGREEMENT FOR THE CLERK'S OFFICE: A copy of the proposed membership packet and service agreement was

provided to the Board for review. County Clerk Tami Rae Spero appeared before the Board and spoke in support of the request. Clerk Spero explained that ScreeningOne will be providing background searches for individuals who are applying for permission to perform marriage ceremonies including notaries but

that it would not apply to single ceremony licenses. District Attorney Macdonald confirmed that he had reviewed the agreement and had no issues with it. After discussion the following motion was made by Commissioner Bell and passed unanimously:

To approved the ScreeningOne membership agreement and authorize the Chair to sign.

PRESENTATION BY GENE SIEDLITZ, WINNEMUCCA DISTRICT MANAGER BLM, REGARDING THE WINNEMUCCA DISTRICT RESOURCE MANAGEMENT PLAN AND PROPOSED FINAL ENVIRONMENTAL IMPACT STATEMENT:

Administrator Deist informed the Board that this item would not be occurring today due to the Federal Government shutdown which resulted in the BLM representatives being unable to attend; he suggested that a request be made to the BLM for an extension of the comment period for the plan and statement due to the shutdown. Discussion occurred regarding previous comments offered. John Falen spoke in support of requesting an extension to the comment period. After discussion the following motion was made by Commissioner Bell:

To write a letter to the BLM asking to extend the comment period because of the government shutdown.

Discussion occurred as to how long the extension should be. After discussion Commissioner Bell offered the following amended motion which passed unanimously:

To write a letter to the BLM asking to extend the comment period because of the government shutdown and to extend it until they come back to work plus sixty days.

PRESENTATION BY GREAT BASIN INSTITUTE (GBI) REGARDING THE BLACK ROCK HIGH ROCK CANYON EMIGRANT TRAIL NATIONAL CONSERVATION AREA RECREATION STUDY:

Administrator Deist stated that this item would also not be occurring today due to the Federal Government shutdown.

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

REQUEST FOR WAIVER TO ATTRITION POLICY FOR AN EQUIPMENT OPERATOR POSITION CURRENTLY VACANT:

Superintendent Garrett explained that this position is as a result of a promotion within the department. Chairman French noted that the salary for the position is included in the current budget. The following motion was made by Commissioner Amos and passed unanimously:

To approve the waiver to the attrition policy for the road department.

REPORT OF PENDING ROAD DEPARTMENT PROJECTS: Superintendent Garrett updated the Board on issues related to the portion of the chip seal project in Golconda and his intent to retain a portion of payment until the matter is resolved, on grading and mag application on Jungo, the mowing of weeds,

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the sealing of Kunkel Road being scheduled, ongoing watering of roads due to the potato harvest, grading, pothole filling and cattle guard repairs. Discussion occurred regarding mag chloride application in Orovada which will not occur until next year.

MISCELLANEOUS ROAD RELATED MATTERS: Commissioner Amos noted the need to knock down a berm in front of a home on Sunset.

REQUEST FROM HOLLY RUDY JAMES GENERAL MANAGER WINNEMUCCA PUBLISHING, TO DISCUSS THE SALE OF COUNTY OWNED TRANSLATORS TO

BUCKAROO BROADCASTING AND RUBY RADIO: Holly Rudy James appeared before the Board. Ms. James questioned the Board on the direct sale of county owned translators rather than taking the sale through the bid process as required by law; she noted that anyone could own the translators. District Attorney Macdonald explained the process for sale of property by a government entity noting that the value of the translators was below the amount that required the advertising and soliciting of bids; he stated his opinion that there was no requirement for legal advertising due to the value. Commissioners Bell and Cassinelli noted that the matter had been discussed numerous times at Commission meetings and that all of those discussions had been properly agendized. Ms. James stated that she had questions regarding the portion of the proposal related to advertising being provided to the County as to how it could be used, what it could be used for and where the value is to the taxpayers and voiced her suggestion that if the sale were to go to bid it might result in additional funds being generated. Rodd Stowell of Buckaroo Broadcasting commented from the audience that while other people can own the translators only Buckaroo Broadcasting and Ruby Radio can operate them as they are the only locally licensed broadcasters and he explained what had been considered in determining the amount of \$10,000.00 in advertising included in the sales proposal and what type of advertising could be provided. District Attorney Macdonald explained what has occurred since the September 3rd meeting at which the Commission had taken action to authorize the sale of the translators to the two radio stations; he noted that once he and Mr. Deist have reviewed the contracts and met with the radio station representatives they can present that information to the Board. Administrator Deist offered that the County does very little true advertising and his belief is that WCVA or something like that would get more benefit out of the advertising. Commissioner Cassinelli noted the number of times this matter had been discussed prior to the decision being made. District Attorney Macdonald stated that the action taken at the September 3rd meeting included the authorization for the Chairman to sign any agreement but the matter can be brought back before the Board to keep them informed and that the only item to be worked out is the lease of space

in the County facility until the translators can be moved. Chairman French asked that the matter be brought forward before final action is taken on signing the contract so further discussion can occur. Mrs. James agreed and asked that further detail be provided as to the true value of the advertising. Chairman French agreed and said that would be done.

DESIGNATION OF A COUNTY COMMISSIONER TO REPRESENT THE COUNTY IN THE HUMBOLDT COUNTY AND DELONG RANCHES LAWSUIT AGAINST THE UNITED STATES CONCERNING THE COUNTY ROADS IN THE JACKSON MOUNTAINS AREA AND SPECIFICALLY TO AUTHORIZE THE COMMISSIONER TO ATTEND AND PARTICIPATE WITH THE COUNTY ADMINISTRATOR AND THE DISTRICT ATTORNEY IN SETTLEMENT MEETINGS SCHEDULED FOR OCTOBER 16 AND 17 IN WINNEMUCCA AND THE SETTLEMENT CONFERENCES IN FEDERAL COURT IN RENO IN NOVEMBER 12, 13 AND 14:

District Attorney Macdonald discussed the process to this point and explained what is set to occur noting that due to the Federal Government shutdown this process is on hold until those issues are resolved. Discussion occurred regarding the number of Commissioners that should be appointed and the role of the Commissioner who is designated. Chairman French indicated his willingness to serve as did Commissioner Amos. Commissioner Cassinelli observed that with past legal matters the Chairman has served as the representative of the Board but noted that he had no problem with Commissioner Amos serving. Discussion occurred regarding the number of Commissioners that could be appointed. After discussion the following motion was made by Commissioner Cassinelli and passed unanimously:

To appoint Chairman French and Commissioner Amos to attend the meetings with Bill Deist and District Attorney Macdonald when ever meetings may occur.

Chairman French recessed the meeting at 11:55 a.m. to reconvene at 1:30 p.m.

(Meeting re-convened at 1:30 p.m. and Chairman French was not in attendance. Vice-Chairman Cassinelli took over the meeting)

REQUEST FROM MICHAEL BEWLEY TO HAVE AUTHORIZATION TO FORM A COMMITTEE TO FIX UP THE PARK IN GOLCONDA:

Michael Bewley and Katie Bewley appeared before the Board. Mr. Bewley provided photos showing the current state of the park to the Board. Mr. Bewley spoke in support of the request for authorization from the Commission to form a committee to fix up the park in Golconda noting that authorization is needed as the park is on County owned property; he explained the planned improvements and the community support that was in place. Commissioner Cassinelli noted the possibility of obtaining funds from the WCVA related to room taxes.

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After discussion the following motion was made jointly by Commissioner Brissenden and Commissioner Amos and passed with Vice-Chairman Cassinelli and Commissioners Amos, Bell and Brissenden voting aye and Chairman French being absent:

To authorize forming a committee and to keep the Commission informed of the progress.

Commissioner Brissenden disclosed for the record that she knows both Michael and Katie Bewley.

REQUEST FROM ROBERTA ROTHWELL TO FURTHER DISCUSS THE ATV/OHV/UTV

ISSUES: Provided to the Board for review was a memo from Humboldt County Sheriff Ed Kilgore detailing laws pertaining to OHVs. Roberta Rothwell appeared before the Board. Ms. Rothwell addressed the Commission regarding concerns related to ATV use in her neighborhood which resulted in dust, noise and speed issues noting that she had attempted to work with the Sheriff's Office on these issues but that they had been unable to deal with the matter as there was no ordinance in place in the County addressing the issue. Ms. Rothwell continued discussing the issues being created by the riders in her area; she offered suggestions on how to deal with the problems. Commissioner Cassinelli asked about referring the dust problem to NDEP. Administrator Deist commented that he did not know if they would become involved with this type of complaint. Discussion occurred regarding the ability to use the nuisance complaint process. District Attorney Macdonald noted that there is nothing in the law prohibiting someone from riding on their own property. Sheriff Kilgore addressed the Board regarding the issues with enforcing laws in relation to OHVs and the ability of a person to sign a complaint regarding these type of problems; he noted the effort by his Office to have more of a presence in the community and to try and spread the word about being a good neighbor; he concurred with the DA that there is no law prohibiting the use of an OHV on private property. Commissioner Cassinelli commented that the Commission tries not to interfere with private property rights. Commissioner Brissenden concurred but noted the effect that those rights are having on Ms. Rothwell. Ms. Rothwell disagreed with the statement that the Commission does not interfere with private property rights stating that the County tells citizens all the time what they can and can't do on their property. Discussion occurred regarding the Commission's authority over private property. Administrator Deist commented on why this is not an issue that can be dealt with through zoning changes. District Attorney Macdonald noted again that the use of OHVs is not a violation of the law and that the use discussed appears to be legal. After discussion no action was taken by the Board.

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

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REQUEST TO HIRE A CENTRAL CONTROL ROOM OPERATOR SUPERVISOR: Sheriff Kilgore noted prior discussions regarding this request. Based on questions by the Commission, Sheriff Kilgore explained why the Dispatch Supervisor would not be able to fulfill the duties due to the departments being in different buildings and why the Detention Sergeant could not fulfill the duties as that position would not have the necessary training as well as the difficulty of taking on the additional duties. Discussion occurred regarding potential savings within the Sheriff's budget as this position had not been included in the current budget. Administrator Deist noted that the proposal was to turn one of the seven control room operator positions into a supervisory position and that only six of the positions are currently filled. Sheriff Kilgore explained the duties of this proposed position and explained the cost savings in the Detention budget that have occurred as he has not filled the Detention Sergeant or Detention deputies slots allocated at budget time. Sheriff Kilgore explained that he has not hired those positions to date and that at the time he requested the positions the County was facing a population influx due to mining but while he is seeing some of that it is not at the level anticipated so he would say that he would not be filling all of the positions; he stated that he is looking at filling one detention deputy positions but not the other three positions approved including the sergeant position. Vice-Chairman Cassinelli stated that he did not have a problem with this request if one or two of the other positions are not filled. Commissioner Brissenden stated that the position needs to be filled. Commissioner Amos agreed. Commissioner Bell stated that he was ok with it as long as the other positions are not being filled. Sheriff Kilgore agreed that is how he sees it. Vice-Chairman Cassinelli noted that the positions could come back on the next budget request. Sheriff Kilgore agreed. The following motion was made by Commissioner Bell and passed with Vice-Chairman Cassinelli and Commissioners Amos, Bell and Brissenden voting aye and Chairman French being absent:

To approve the hiring of the central room operator supervisor in concession/trade-off that the detention deputy is not hired.

REQUEST TO PURCHASE THE PRO Q/A MEDICAL DISPATCH SOFTWARE PROGRAM:

Sheriff Kilgore explained the request including the purpose and benefits of the program; he noted that the funds for purchase are available in the current budget due to the savings discussed previously. Commissioner Bell spoke in support of the request. The following motion was made by Commissioner Bell and passed with Vice-Chairman Cassinelli and Commissioners Amos, Bell and Brissenden voting aye and Chairman French being absent:

To approve the purchase of the Pro Q/A Medical Dispatch Software Program.

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Commissioner Brissenden asked when further discussion would occur related to the communications system and improving the radio system. Commissioner Bell replied that he still needed to discuss a couple of things with the Administrator but that the matter is moving forward.

CLOSED SESSION IN ACCORDANCE WITH NRS 288.220 FOR DISCUSSION WITH MANAGEMENT REPRESENTATIVES REGARDING THE FY 2013-2014 CONTRACT WITH HUMBOLDT COUNTY LAW ENFORCEMENT ASSOCIATION (HCLEA): Commissioner Bell offered the following motion which passed with Vice-Chairman Cassinelli and Commissioners Amos, Bell and Brissenden voting aye and Chairman French being absent:

To go into closed session according to NRS 288.220 for discussion with management representatives regarding 2013-14 contract with HCLEA.

The Commission went into closed session at 2:42 p.m.

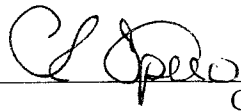
The Commissioner returned to open session at 2:54 p.m. per a motion by Commissioner Bell which passed with Vice-Chairman Cassinelli and Commissioners Amos, Bell and Brissenden voting aye and Chairman French being absent.

PUBLIC COMMENTS: Administrator Deist noted that the only item left on the agenda was public comments. No comments offered.

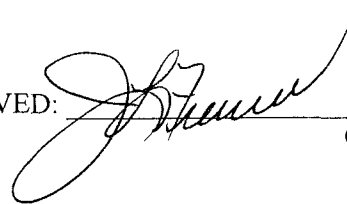
ADJOURNMENT: The following motion was made by Commissioner Amos and passed with Vice-Chairman Cassinelli and Commissioners Amos, Bell and Brissenden voting aye and Chairman French being absent

To adjourn the meeting until the next meeting.

ATTESTED: _____


Clerk

APPROVED: _____


Chairman

(Minutes approved by the Commission and signed by the Chairman on 11-4-2013)

MEMORANDUM

TO: COMMISSIONERS
FROM: ADMINISTRATOR
DATE: September 30, 2013
SUBJECT: CONSENT AGENDA

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

1. CDBG Quarterly Report for July, August and September: Attached is the report which must be reviewed at the Commission Meeting.

Recommendation: That the Commission authorize the Chairman to sign the report.

2. Approval of areas to gather petitions: Attached are the notices of designated areas. We are required to do this yearly and the locations are the same as prior years.

Recommendation: That the Commission authorizes the Chairman to sign the notices.

MEMORANDUM

TO: COUNTY COMMISSIONERS
FROM: COUNTY ADMINISTRATOR
DATE: October 1, 2013
SUBJECT: OTHER INFORMATION AND UPCOMING MEETINGS

OTHER INFORMATION:

1. Easement on Western Horizon: When discussing the Sage Drive issue one of the points made was that the County lacked an easement for a portion of Western Horizon. Attached is a letter from NFC Land and Cattle, LLC and Crawford Cattle, LLC agreeing to provide an easement once the sale has closed.

UPCOMING MEETINGS:

- | | |
|----------------------------|------------------------|
| 1. October 3 and 4, 2013 | Administrator on Leave |
| 2. October 8, 2013 | Management Team |
| 3. October 9, 2013 | HR Training Elko |
| 4. October 16 and 17, 2013 | Settlement Conference |
| 5. October 17, 2013 | Water Conference |
| 6. October 21, 2013 | Commission |

NFC LAND & CATTLE, LLC

P.O. Box 490

Winnemucca, NV 89446

(775) 623-2586

RECEIVED
SEP 20 2013Administrator / Commissioners
September 20, 2013

Humboldt County Commissioners
50 West 5th Street
Winnemucca, Nevada 89445

RE: Thirty Foot Easement

Commissioners:

This letter shall confirm that NFC Land & Cattle, LLC / Crawford Cattle, LLC, will upon closing of sale between parties; see that a 30 foot easement within Township 39 North, Range 38 East, along the East side of Section 3, lying South of State Highway 290, will be granted to Humboldt County. See attached maps, easement marked in red.

Once closing between parties, we will provide Humboldt County the necessary information so that Humboldt County can prepare the necessary documents for the easement transfer.

Gary L. Bengochea



NFC Land & Cattle, LLC
Managing Member

Eldon Crawford



Crawford Cattle, LLC
Manager