

Monday, November 4, 2013

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, November 4, 2013, at 9:31 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. Roberta Rothwell addressed the Board regarding the nuisance ordinance and how it could be used to address ATV issues; she discussed the effect the usage in her neighborhood is having on her life, and why her neighbors are not joining in the complaint as they do not believe anything will be done and they are concerned about retaliation. Discussion occurred as to the comparison between a nuisance complaint and a complaint filed with the Sheriff's Office, the need to involve the neighbors and the fact that the matter cannot be dealt with under public comment. Chairman French stated that he would like to see the matter brought back on an agenda. Administrator Deist noted the need to have a complaint filed to proceed under the nuisance code. Chairman French asked for additional public comment. Dave Mendiola appeared before the Board and offered his thanks to the Board and Road Superintendent Ben Garrett for the improvement on Jungo Road. Chairman French asked for additional public comment. None offered.

Chairman French noted that it was time for scheduled public hearings so the Commission would come back to items 1D through 4 later in the meeting.

PUBLIC HEARING ON ORDINANCE ADOPTIONS:

AN ORDINANCE AUTHORIZING THE JUSTICE OF THE PEACE TO IMPOSE AN ADMINISTRATIVE ASSESSMENT FOR THE PROVISION OF COURT FACILITIES IN THE AMOUNT OF \$10 FOR EACH MISDEMEANOR CONVICTION:

Provided to the Board for review was a copy of the proposed ordinance and a copy of the Notice of Public Hearing. Chairman French read the title of the item set to public hearing. Administrator Deist noted that this ordinance was being considered at the request of the Justice of the Peace and had been prepared by the District Attorney. District Attorney Macdonald reviewed the ordinance for the Board. Chairman French asked for public comment. None offered. The following motion was made by Commissioner Amos and passed unanimously:

To adopt the ordinance authorizing the Justice of the Peace to impose an administrative assessment for the provision of court facilities in the amount of ten dollars for each

misdemeanor conviction.

(Ordinance 11-04-13)

AN ORDINANCE AMENDING CHAPTER 15.04 OF THE HUMBOLDT COUNTY CODE BY ADOPTING THE 2012 INTERNATIONAL BUILDING CODE AND BUILDING CODE STANDARDS WITH CHANGES, MODIFICATIONS, APPENDICES, AND SUPPLEMENTS EXCLUDING THE MECHANICAL, PLUMBING, AND ELECTRICAL CHAPTERS AND

APPENDICES: Provided to the Board for review was a copy of the Notice of Public Hearing, a copy of the proposed ordinance and a detail of the changes being made. Chairman French read the title of the item set to public hearing. Building and Safety Director Bobby Thomas appeared before the Board and explained what is being amended and why it is being amended. Chairman French asked for public comment. None offered. Director Thomas explained the inclusion of local revisions and how the contractors are notified of the changes. The following motion was made by Commissioner Amos:

To adopt the ordinance amending chapter 15.04 of the Humboldt County Code by adopting the 2012 International Building Code and Building Code standards with changes, modifications, appendices and supplements excluding the mechanical, plumbing and electrical chapters and appendices.

Discussion occurred regarding the language of the motion. Chairman French called Commissioner Amos' motion to a vote and it passed unanimously.

(Ordinance 11-04-13a)

DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - OCTOBER 7, 2013 REGULAR MEETING AND OCTOBER 21, 2013 REGULAR MEETING:

Chairman French asked for corrections/additions for the minutes of October 7, 2013; none offered. The following motion was made by Commissioner Brissenden and passed unanimously:

To approve minutes for October 7, 2013 as presented.

The minutes for October 21, 2013 were not presented for approval.

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 Television/Radio Assessment Refund Certification/Voucher (Pueblo TV District): Recommendation: That the Commission approve the requests.

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

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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 commented on the Investment Report received from the Treasurer as to the fluctuation of CTX revenues and the release of the draft Environmental Impact Statement for Public Review and Comment on Nevada and North Eastern California Greater Sage Grouse Land Use Plan Amendment which will be reviewed and brought before the Board at a future meeting for comments. Upcoming meetings and dates of importance were noted.

REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES

THEY SERVE ON: Commissioner Brissenden reported on a meeting she had attended in McDermitt related to the multiplex project, the bar-b-que fundraiser which had occurred related to the same project and a Hospital Board meeting. Commissioner Cassinelli reported on a State Public Lands Task Force meeting. Chairman French commented on participation in the Nevada Day Parade.

QUARTERLY JAIL INSPECTION (COMMISSIONER BELL): Chairman French noted that Commissioner Bell would be performing the quarterly jail inspection later in the day.

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

To approve the expenditures of county funds for the period.

APPOINTMENT TO STATE LAND USE PLANNING ADVISORY COMMITTEE: Administrator Deist explained that Commission Amos is the current appointee to the State Land Use Planning Advisory Committee (SLUPAC) with a term to expire on December 31, 2013 and the Commission must offer two recommendations to the Governor for appointment to the Committee. Commissioner Amos agreed to seek re-appointment. Chairman French also agreed to be submitted for consideration. The following motion was made by Commissioner Cassinelli and passed unanimously:

To submit Garley Amos and Jim French for appointment to State Land Use Planning Advisory Committee by the Governor.

APPROVAL OF 2013-2014 NDOT GRANT AGREEMENT FOR TRANSIT PROGRAM: A copy of the proposed 2013-2014 NDOT Grant Agreement for the Transit Program for the Senior Center was

provided to the Board for review. Administrator Deist reviewed the agreement for the Board and recommended that the Commission authorize the Chairman to sign. Discussion occurred regarding who the appropriate signing authority would be. After discussion the following motion was made by Commissioner Bell and passed unanimously:

To approve the 2013-2014 NDOT grant agreement and to authorize the Chairman to sign.

PUBLIC HEARING ON A NUISANCE COMPLAINT ALLEGING THAT PROPERTY LOCATED AT 4055 SYCAMORE DRIVE - APNS 010-393-03/04/05 - OWNERS MICHAEL J. SCIBIOR, DEBORAH J. SCIBIOR AND SCIBIOR LIVING TRUST ARE DEFINED AS POSSIBLE NUISANCE PER HUMBOLDT COUNTY CODE, CHAPTER 8.04:

Provided to the Board for review was a copy of the Notice of Public Hearing, a copy of the complaint including photos filed by Lonnie Triplett and copies of the investigation reports filed by the Building & Safety Department, the Road Department and the Winnemucca Rural Fire Department. Property owner Patrick Scibior and complainant Lonnie Triplett appeared before the Board. Chairman French read the title of the item set to public hearing. Chairman French noted that he had driven by the site to see what clean up had been accomplished. Mr. Scibior stated that work is ongoing. Mr. Triplett agreed that the site is being cleaned up but noted the area of road which has been blocked by Mr. Scibior and the issues that would cause if access to Sycamore Drive was restricted. Road Superintendent Garrett addressed the Board and explained that he cannot determine if the closure falls on Reservation land or in the County or City's right-of-way without a survey. Mr. Scibior explained that the closure was done due to motorcycles using the road and creating dust and noise. Discussion occurred regarding the location and the reason for closure. Commissioner Cassinelli suggested that a survey needs to be done as the access is needed. Discussion occurred regarding who would be responsible for the cost of the survey, City or County. Mr. Scibior noted the blockage of other streets in the area. Superintendent Garrett agreed but noted that those locations were within the city limits. Discussion occurred regarding the possibility of using barriers at the end of the County road and the possible concerns due to emergency vehicle access and liability. Chairman French asked for public comment. Byron Smith commented on the amount of clean up that has occurred and stated that the property was looking good. Pat Schommer commented that Mr. Scibior has done wonders with the clean up and commented on problems in the area with UTV usage and the terrible condition of the road way. Commissioner Bell asked Mr. Triplett if he was satisfied with the progress made in the clean up. Mr. Triplett agreed that it is being cleaned up but stated that there is still a lot to do.

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Commissioner Bell asked what should occur since progress is being made. Administrator Deist responded that historically the Commission has continued the hearing for a period of time and then come back to make a final decision based on what has occurred up to that point. Discussion occurred as to how long to continue the matter. Commissioner Bell offered the following motion:

That the hearing be continued for six months and then the progress be checked at that time.

Administrator Deist asked the District Attorney about the length of time. District Attorney Macdonald stated that his concern related to time allowed under the code and reviewed the language of the code regarding finding of a nuisance; he stated that if the Board, based on the evidence presented today, believes that a nuisance exists or existed at the time the complaint was filed, his recommendation would be that the Board take action finding that there is a nuisance but then determining a reasonable period of time for the property owner to abate the same. Chairman French asked for any additional public comment. None offered. District Attorney Macdonald asked Mr. Scibior how much time he would need to address the issue. Mr. Scibior suggested at least a couple of months weather permitting. The following amended motion was made by Commissioner Bell:

That the Commission finds that there is a nuisance and declares it a nuisance and that it will be looked at for abatement in six months and to take a look at the property lines to find where the right-of-ways are.

Mr. Triplett commented on his property lines and the access issues. Chairman French suggested that the access issue should be handled separately. District Attorney Macdonald commented that more information needs to be obtained before any action could be taken by the Commission. Administrator Deist noted that the motion just authorized the determination of where the right-of-way is. Commissioner Bell agreed. Mr. Scibior commented that he has spoken to the Bureau of Indian Affairs and that they do not want people on their property either. Chairman French noted the Board's understanding but explained that there were steps the BIA could take to restrict access if they wished to do so. Chairman French called Commissioner Bell's motion to a vote and it passed unanimously.

Clerk Spero noted that a resolution declaring the nuisance would come forward at the next meeting for approval.

PRESENTATION BY GREAT BASIN INSTITUTE REGARDING THE BLACK ROCK HIGH ROCK CANYON EMIGRANT TRAIL NATIONAL CONSERVATION AREA RECREATION STUDY: Mark Kimbrough of the Great Basin Institute (GBI) appeared before the Board. Mr.

Kimbrough reviewed a presentation entitled The BLM Nevada National Landscape Conservation System Strategy and requested that the Commission offer comments and their support for the process. Discussion occurred regarding how the BLM would incorporate comments from the stakeholders and what had occurred in past actions related to this process. Greg Page, Outdoor Recreation Planner for the Black Rock Field Office appeared before the Board and discussed what the RMP requires as to studies and how the resource will specifically be managed for recreation. Discussion occurred regarding the process.

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

REPORT OF PENDING ROAD DEPARTMENT PROJECTS: Superintendent Garrett reported on issues following the recent rain/snow storms with roads that were treated with mag chloride and the ongoing repair work for those roads. Commissioner Brissenden asked how the test product applied to Pedroli had worked. Superintendent Garrett responded that there was so much moisture that it did not help it much. Superintendent Garrett continued reporting on road repairs and road grading. Commissioner Cassinelli asked about work on the Little Owyhee. Superintendent Garrett stated that usually work is only done on the road in the spring but that he would take a trip out to check it and if it needs work it can be done when there is moisture. Commissioner Brissenden asked if there was a planned surface treatment over the pavement on Leonard Creek Road. Superintendent Garrett stated that there would be but that it is not scheduled to occur for a couple of years.

MISCELLANEOUS ROAD RELATED MATTERS: None offered.

NEGOTIATIONS WITH THE HUMBOLDT COUNTY LAW ENFORCEMENT ASSOCIATION:

CLOSED SESSION IN ACCORDANCE WITH NRS 288.220 FOR DISCUSSION WITH MANAGEMENT REPRESENTATIVES: The following motion was made by Commissioner Bell and passed unanimously:

To go into closed session per NRS 288.220.

The Commission went into closed session at 11:30 a.m.

After the closed session the following motion was made by Commissioner Bell and passed unanimously:

To come back into open session.

The Commission returned to open session at 11:37 a.m.

POSSIBLE APPROVAL OF 2013-2014 CONTRACT WITH HCLEA: Administrator Deist reviewed the agreement for the Board and recommended approval and authorization for the Chairman to sign. The following motion was made by Commissioner Bell and passed unanimously:

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To approve the 2013-2014 contract with the Humboldt County Law Enforcement Association.

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

REVIEW AND POSSIBLE APPROVAL OF PROPOSAL FROM THE ABARIS GROUP TO IMPLEMENT RECOMMENDATIONS: 1) CONDUCT A STRATEGIC PLANNING PROCESS ON THE FUTURE OF THE PUBLIC SAFETY ANSWERING POINT (PSAP); 2) REDEFINE THE MINIMUM QUALIFICATION FOR PSAP DIRECTOR AND SUPERVISORS; AND 3) ENGINEERING ASSESSMENT OF THE COUNTY RADIO SYSTEM INFRASTRUCTURE AND TO FACILITATE THE DEVELOPMENT OF A STRATEGIC PLAN FOR THE SYSTEM:

A copy of the proposal from the Abaris Group was provided to the Board for review. Commissioner Bell noted that the representative from the Abaris Group was unable to attend today's meeting; he suggested going ahead with what had been discussed in a previous meeting as to getting the users group together and the subject matter expert in place to start the talks but as to the radio side of things there are more questions than answers so for today he would like to see the Commission approve the first two items as the radio study part is a separate issue anyway and bring that issue back at the next meeting and invite the folks that will be doing the study to be at that meeting. Ric Grantham of the Communications Department appeared before the Board. Chairman French commented that because of the equipment contractors that were involved in the change-over that the County has already accomplished, in particular Kenwood, they could provide the oversight and bring the County up to speed on the type of equipment needed to complete the change over and to follow the needs that have been identified so far; he noted the cost savings that would occur if that service could be provided by Kenwood as opposed to Abaris. Administrator Deist noted that he had not seen anything from Kenwood as to what they would provide and that it would be better to compare what is being offered by both companies. Commissioner Bell agreed that it would be good to place that on the next meeting agenda as well and he asked that any additional information related to the radio subject matter be provided so it could be reviewed prior to the meeting. Administrator Deist asked that the contact information for Kenwood be provided so the necessary information can be obtained. Commissioner Bell asked that the information be provided to the Administrator. Administrator Deist noted that additional information had been requested from Abaris too before it can be brought forward for action. Commissioner Bell agreed that additional information is needed but stated his recommendation that the first two items be approved. Mr. Grantham stated that he could request the representative from Kenwood appear at the next meeting and he could provide a copy of

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the e-mail that he had received from them which outlines what services they could provide. Chairman French agreed that he believed that the strategic plan needs to be moved forward with as there are personnel related issues that were not addressed in the first report. Chairman French commented on the expertise and value of Mr. Grantham and suggested that as part of this, discussion should occur related to the interim director for the Communications Department and the need to recognize Mr. Grantham and give him the authority and compensation for those duties formally. Commissioner Brissenden asked Administrator Deist if Mr. Grantham fit the description of working out of class as identified in Chapter 5.12 of the County's Policies and Procedures. Administrator Deist questioned whether Mr. Grantham has taken over the Director's duties as he handled the communication duties previously and stated that he would have to take a further look at it but right now he questions whether it applies or not. Chairman French stated that it is something that needs to be looked at and he voiced his appreciation for what Mr. Grantham has done including the change over to the new dispatch center. Commissioner Brissenden agreed but requested that the issue be looked at sooner rather than later. Commissioner Bell asked if the items as agendized could be separated out noting that he believed there were two different proposals on the table. Administrator Deist commented that the recommendations for 1 and 2 and the cost for those were split out from recommendation 9 and he believed Abaris would hold to that proposal. The following motion was made by Commissioner Bell:

To approve \$25,000.00 to the Abaris Group for their recommendations.

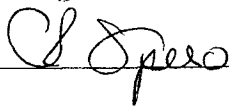
Discussion occurred regarding the cost of the proposal. The following amended motion was made by Commissioner Bell and passed unanimously:

To approve an amount not to exceed \$35,000.00 to the Abaris Group to move forward with the first two items.

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

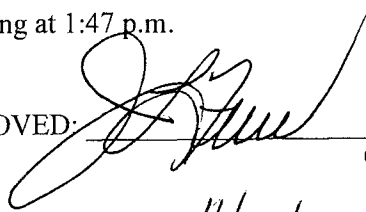
ADJOURNMENT: Chairman French adjourned the meeting at 1:47 p.m.

ATTESTED:



Clerk

APPROVED:



Chairman

(Minutes approved by the Commission and signed by the Chairman on 11/18/2013)

MEMORANDUM

TO: COMMISSIONERS
FROM: ADMINISTRATOR
DATE: October 29, 2013
SUBJECT: CONSENT AGENDA

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

1. Request for adjustment to the Television/Radio Assessment Refund Certification/Voucher (Pueblo TV District): Attached are the requests for your review.

Recommendation: That the Commission approve the requests.

MEMORANDUM

TO: COUNTY COMMISSIONERS
FROM: COUNTY ADMINISTRATOR
DATE: October 29, 2013
SUBJECT: OTHER INFORMATION AND UPCOMING MEETINGS

OTHER INFORMATION:**UPCOMING MEETINGS:**

1. November 6, 2013 Management Team
2. November 11, 2013 County Holiday
3. November 12 and 13, 2013 Settlement Conference DeLong/HC/BLM
4. November 18, 2013 Commission