

Monday, December 2, 2013

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, December 2, 2013, at 10:02 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. Doug Clarke, Acting District Ranger for the Santa Rosa Ranger District appeared before the Board and introduced himself. No further public comment offered.

DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES: No minutes submitted 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 Real Property Tax Roll:** A copy of the request for adjustment from Hi Desert RV Park was provided to the Board for review. *Recommendation: That the Commission approve the request as recommended by the Assessor and Treasurer.*

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

To approve the consent agenda as presented by staff.

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 informed the Board that a conflict has occurred with the December 16th visit to the Drug Court Program so that will be re-scheduled after the first of the year and that a copy of the list of Offices up for election in 2014 had been provided for the Board's information. Administrator Deist updated the Board on the proposed BLM sale to the DeLongs of the School House Butte property. Upcoming meetings and dates of importance were noted.

REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES

12/02/2013

Page 1 of 5

THEY SERVE ON: Commissioner Brissenden commented on the recent Festival of Trees which she had served as a judge for.

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

To approve the claims.

SHERIFF'S OFFICE: Sheriff Ed Kilgore and Under Sheriff Curtiss Kull appeared before the Board.

PRESENTATION OF SHERIFF'S COMMENDATION AWARDS: Sheriff Kilgore presented formal commendations to public safety staff that did an outstanding job during officer involved shooting incidents on October 18, 2013 and October 23, 2013. The Sheriff's Medal of Merit were given to Sergeant Chris Aker, Sergeant Lee Dove and Deputy Jeanne Poor. Commendations were given to Dispatch Supervisor Sheri McDaniel and Dispatcher Cami Durick. Additionally a Citizen's Commendation Award was given to Ric Grantham of the Communications Department related to the recent Dispatch Center Project.

REQUEST FOR WAIVER TO ATTRITION POLICY FOR A PATROL DEPUTY POSITION:

Sheriff Kilgore explained that there would be an upcoming vacancy in the patrol division and spoke in support of a waiver to the attrition policy to fill the position. Chairman French noted that this is a public safety position. The following motion was made by Commissioner Amos and passed unanimously:

To waive the attrition policy for the hiring of a new deputy.

APPOINTMENT TO THE BOARD OF EQUALIZATION:

REAPPOINTMENT OF JIM BIDART, IF NOMINATED BY THE CHAIRMAN PER NRS

361.340: Chairman French nominated Jim Bidart for re-appointment to the Board of Equalization. The following motion was made by Commissioner Brissenden and passed unanimously:

To re-appoint Jim Bidart to the Board of Equalization.

CONFIRMATION OF CHAIRMAN'S APPOINTMENT OF RICH STONE AS CHAIRMAN OF

THE BOARD OF EQUALIZATION: Chairman French nominated Rich Stone to serve as the Chairman of the Board of Equalization. The following motion was made by Commissioner Amos and passed unanimously:

To confirm the appointment of Rich Stone as Chairman.

REQUEST FROM GOLCONDA WATER BOARD FOR DONATION OF A SURPLUS VEHICLE

FOR THE WATER DISTRICT'S USE: Administrator Deist reviewed the request for the Board and noted that a memo had been provided by the Road Superintendent indicating that a vehicle is available if

the Commission approves the request. After discussion the following motion was made by Commissioner Amos and passed unanimously:

To let Golconda Water have a surplus vehicle.

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

REPORT OF PENDING ROAD DEPARTMENT PROJECTS: Superintendent Garrett reported that the gravel haul to the Paradise Valley RV Park had been finished, that road grading was ongoing, that the snow equipment had been readied, that cattle guard replacement, repairs and cleaning is ongoing and that the work schedule for the department has changed to the five day eight hours per day schedule for winter. Superintendent Garrett reviewed the results of the recent vehicle auction for the Board.

MISCELLANEOUS ROAD RELATED MATTERS: Discussion occurred regarding Western Horizon and Davis Lane repairs.

SET TO PUBLIC HEARING SH-13-06 - A zone change request submitted by Desert Mountain Surveying as agent for Robert and Beverly Shell to rezone property from RR-13 MH (Rural Ranchette District 13,000 square foot minimum lot size with Mobile Home Combining District Overlay) to R-1-9 MH (Single-Family Residential District 9,000 square foot minimum size with Mobile Home Combining District Overlay). Subject property is located at 4140 Moon Lane, Winnemucca, Nevada, APN 010-373-26 and 010-373-27: Administrator Deist noted for the record that the item to set to public hearing is "RH" not "SH" 13-06. Chairman French read the title of the item as amended to be set to public hearing. The following motion was made by Commissioner Amos and passed unanimously:

To set to public hearing RH-13-06.

GRANT OF PERMANENT EASEMENT TO SIERRA PACIFIC POWER COMPANY DBA NV ENERGY FOR UNDERGROUND AND ABOVE GROUND ELECTRICAL AND COMMUNICATION UTILITIES SERVICES, TRANSFORMERS, SERVICE BOXES AND RELATED EQUIPMENT, FIXTURES AND APPARATUS AND IMPROVEMENTS/118 E. HASKELL STREET/APN 016-041-17/AUTHORIZATION FOR CHAIRMAN TO SIGN GRANT OF EASEMENT DOCUMENT: Provided to the Board for review was an e-mail from O. Kent Maher to Administrator Deist explaining the request (see attached) and a copy of the proposed grant of easement document. Mike Sheppard representing Humboldt General Hospital appeared before the Board and spoke in support of the request noting that this is occurring because the County owns the land but the Hospital District owns the buildings. Commissioner Bell disclosed for the record that he is an employee of the

Hospital but that he will participate in discussion and action on this item as it will not affect him monetarily. Discussion occurred regarding the need for Humboldt County to approve this request and the possibility that it may be required again in the future as part of the phase three portion of the project unless the issue of the land ownership is addressed by the County and the Hospital District. After discussion the following motion was made by Commissioner Amos and passed unanimously:

To approve the grant of a permanent easement to Sierra Pacific Power Company dba NV Energy for underground and above ground electrical and communication utilities services, transformers, service boxes and related equipment, fixtures and apparatus and improvements/118 East Haskell parcel number 016-041-17 and to authorize the Chairman to sign.

REPORT FROM MCDERMITT FIRE DISTRICT AS TO ABILITY TO REPAY THEIR LOAN AND THE POSSIBILITY THAT THE COMMISSION MAY TURN ANY REMAINING BALANCE INTO A GRANT:

Provided to the Board for review was a memo from the County Administrator detailing the request. Administrator Deist noted that per NRS 354.290(e) the repayment of the loan must be within a year after the date on which the loan is made and that the year will be up at the end of December. Gary Wilson and Bruce Easterday of the McDermitt Fire District appeared before the Board. Mr. Wilson detailed what had occurred with the fund raiser/auction that had been held and stated that \$5,495.00 had been raised but that left \$4,540.52 still owing. Administrator Deist explained the statutory requirements. Mr. Wilson noted that there is still one small raffle left that could earn about \$150.00. Chairman French asked how to proceed if there were still funds coming in. Administrator Deist suggested any motion include the language of "up to". After discussion the following motion was made by Commissioner Bell and passed unanimously:

To approve a grant in the amount of up to \$4,540.52 knowing that it may be less than that.

Commissioner Brissenden asked how the project is going. Mr. Easterday indicated that he has not spoken to the engineer so the status is unknown. Discussion occurred regarding the issue and Chairman French requested that the Commission be kept updated on the matter.

REQUEST FROM THE DRUG FREE GRADUATION PARTY FOR A \$800 GRANT TO COVER THE COST OF THE RENTAL FOR THE EXHIBIT HALL:

Paige Brooks and Trish Baker appeared on behalf of the Drug Free Graduation Party Committee and spoke in support of the request for a grant to cover the cost of the rental of the exhibit hall which is used for the event. After discussion the following

12/02/2013

Page 4 of 5

motion was made by Commissioner Amos and passed unanimously:

To grant \$800.00 for the drug free graduation party.

REVIEW OF COUNTY ADMINISTRATOR'S PERFORMANCE RELATED TO A MERIT INCREASE AS DIRECTED BY THE COMMISSION AT THE JULY 1, 2013 MEETING:

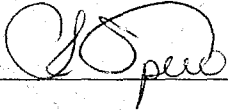

Provided to the Board was a copy of the evaluation form prepared by Chairman which included consolidated comments from the Commissioners and the public. Chairman French spoke to his comfort with the evaluation and recommended that the Administrator's merit increase be approved retroactive to July 1, 2013. Commissioner Brissenden commented on the positive move of doing the review in this manner and thanked the Administrator for his improvement. After discussion the following motion was made by Commissioner Cassinelli and passed unanimously:

To grant the Administrator his merit increase-retroactive to July 1st.

(Resolution No. 12-02-13)

PUBLIC COMMENTS: Chairman French asked for public comments. Joyce Sheen asked what the amount of the merit increase for the Administrator would be. Administrator Deist stated it was 2 1/2%. No further public comment offered.

ADJOURNMENT: Chairman French adjourned the meeting at 11:45 a.m.

ATTESTED:  Clerk APPROVED:  Vice-Chairman

(Minutes approved by the Commission and signed by the Chairman on 12/16/2013)

MEMORANDUM

TO: COMMISSIONERS
FROM: ADMINISTRATOR
DATE: November 22, 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 is the request for your review.

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

MEMORANDUM

TO: COUNTY COMMISSIONERS

FROM: COUNTY ADMINISTRATOR

DATE: November 21, 2013

SUBJECT: OTHER INFORMATION AND UPCOMING MEETINGS

OTHER INFORMATION:

1. Drug Court visit: Judge Montero has informed me that due to a conflict which has come up he would like to have your visit after the first of the year instead of the second meeting in December as originally planned.
2. 2014 Offices up for Election: Attached is a list of offices which are up for election in 2014 as supplied by the Clerk.

UPCOMING MEETINGS:

1. December 4, 2013 Management Team
2. December 6, 2013 Public Land Task Force Clark County
3. December 10, 2013 Arbaris Group Dispatch
4. December 12, 2013 Sage Grouse Draft LUPA/DEIS Meeting
5. December 16, 2013 Commission

Bill Deist

From: "O Kent Maher Attorney" <kent@winnemuccalaw.com>
To: "Bill Deist" <administrator@hcnv.us>
Sent: Thursday, November 21, 2013 12:21 PM
Attach: Easement deed-SPPCo NV Energy-Haskell St-1113.pdf
Subject: County Commission agenda - easement request
Bill:

There is attached a copy of the grant of easement document which provides the details of the easement requested by Sierra Pacific Power Company-NV Energy. I have the original document and will provide it prior to the December 2, 2013 meeting when the matter is scheduled for consideration.

When the recently completed medical office building project was undertaken, it was necessary to make changes to the then existing electrical service to accommodate the new facilities and continue service to the existing facilities. There were overhead power installations which were removed and placed underground to make room for the construction, and some of the existing underground power was also relocated. Those installations are all complete and in place. Recently, it became necessary to increase the electrical service capabilities to the facility to enable some of the newer equipment, and proposed equipment upgrades, to be successfully operated and still provide adequate service levels for the power required for existing and expanded uses. The new service will be provided primarily through the existing access routes and power service installations with minimal new area required for the service.

The power company recently changed their policy from what it was previously and now requires power users making request for utility services to grant an easement to the power company for the service installations running over, upon, through or across the user's property. The changed requirement apparently has something to do with the Sierra Pacific-Nevada Power merger and the change in their corporate structure and administration.

Accordingly, even though in this case there are existing utility installations in place (without there being an easement for such installations), when the request for the new and increased electrical services was made to the power company, the company used the request as an opportunity to solicit easements for the areas utilizing the existing utility installations as well as any areas involved with the new installation. The attached document which was prepared by the power company presumably accomplishes that goal.

Assuming the easement request is approved and the original easement document signed, the original document should be returned to me and I will ensure it is delivered to the requester.

If you have questions please contact me. Thank you.

Kent

O. Kent Maher, Esq.
P.O. Box 130
Winnemucca, Nevada 89446
tel 775-623-5277 : cell 775-761-2664
fax 775-623-2468
email kent@winnemuccalaw.com

Privacy Notice: The contents of this e-mail message and any attachments are intended solely for the addressee(s) named in this message and are transmitted based on a reasonable expectation of privacy. This communication is intended to be and to remain confidential. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and its attachments. Do not deliver, distribute or copy this message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments. EMAIL MAY NOT BE SECURE AND MAY BE SUBJECT TO INTERCEPTION, INSPECTION AND/OR COPYING. IT IS STRONGLY RECOMMENDED THAT CLIENTS PASSWORD PROTECT ALL ATTORNEY-CLIENT COMMUNICATIONS OR THOSE CONVEYING COPYRIGHTED OR CONFIDENTIAL MATERIALS.

Tax Notice: Internal Revenue Service regulations generally provide that, for the purpose of avoiding federal tax penalties, a taxpayer may rely only on formal written advice meeting specific requirements. Any tax advice in this message, or in any attachment to this message, does not meet those requirements. Accordingly, any such tax advice was not intended or written to be used, and it cannot be used, for the purpose of avoiding federal tax penalties that may be imposed on you or for the purpose of promoting, marketing or recommending to another party any tax-related matters.