

Monday, September 15, 2014

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, September 15, 2014, at 9:30 a.m. in the regular place of meeting at the Courthouse, Winnemucca, Nevada. Those present were Chairman Dan Cassinelli, Commissioners Garley Amos Jr., Mike Bell, Jim French and Marlene Brissenden, District Attorney Michael Macdonald (*entered the meeting at 9:45 a.m.*), Administrator Bill Deist and Clerk of the Board Tami Rae Spero.

PUBLIC COMMENTS: Chairman Cassinelli asked for public comments. Megan Brown of Congressman Mark Amodei's Office appeared before the Commission and provided an update on the status of the Pine Forest Bill in Congress. Chairman Cassinelli asked of additional public comments; None offered.

DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - JULY 21, 2014, AUGUST 4, 2014, AUGUST 18, 2014 AND SEPTEMBER 2, 2014 REGULAR MEETING

MINUTES: 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. Appointment to the Paradise Valley Weed District: A letter requesting appointment to the Paradise Valley Weed District Board had been received from Ken Smith. *Recommendation: That the Commission appoint Ken Smith to the Board.*
2. Request for adjustment to the Humboldt County Real Tax Roll: Provided to the Board were copies of requests for adjustment from Borland, Wiggins and Muntz. *Recommendation: That the Commission approves the requests as recommended by the Assessor and Treasurer.*
3. Request for refund of TV/Radio Assessment for the Denio Television District: Provided to the Board was a copy of the request from Hall for refund. *Recommendation: that the Commission approve the request.*

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:

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OTHER INFORMATION AND UPCOMING MEETINGS: Administrator Deist presented a resolution to the Commission from the County Fiscal Officers Association in recognition of the Commission's contribution to the recent CFOA Conference.

REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES THEY SERVE ON: Commissioner Brissenden commented on the final banquet for CFOA which members of the Commission had attended. Commissioner French discussed a State Land Use Planning Advisory Council meeting that he had attended and updated the Board on the status of Humboldt County's float for the upcoming Nevada Day Parade. Chairman Cassinelli discussed a Newmont meeting that he had attended.

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

To approve the expenditures.

DESIGNATION OF AREAS AT COUNTY BUILDINGS WHERE SIGNATURE COLLECTION FOR PETITIONS IS ALLOWED AS REQUIRED ANNUALLY BY NRS 293.127565: Provided to the Board for review were the designations for the County buildings. Administrator Deist noted that this was an annual requirement. Clerk Spero noted a change in location at the Events Complex. The following motion was made by Commissioner Brissenden and passed unanimously:

To approve the designation of areas at County buildings where signature collection for petitions is allowed as required by NRS 293.127565.

NUISANCE MATTERS:

REVIEW AND POSSIBLE ADOPTION OF RESOLUTION DECLARING PROPERTY BELONGING TO BILL AND MURIEL ELLIOTT IS DEFINED AS A NUISANCE PER HUMBOLDT COUNTY CODE, CHAPTER 8.04. THE PROPERTY IS LOCATED AT 4195 TURNER LANE, WINNEMUCCA, NV. ASSESSOR'S PARCEL NUMBER 3638-32-103-005: A copy of the proposed resolution was provided to the Commission for review. Commissioner Brissenden noted that she had viewed the site and no cleanup had occurred. The following motion was made by Commissioner French and passed unanimously:

To accept the resolution as presented today as it applies to Bill and Muriel Elliott on property located at 4195 Turner Lane, Winnemucca, Nevada, Assessor's Parcel Number 3638-32-103-005.

(Resolution No. 09-15-14)

CONTINUATION OF PUBLIC HEARING ON A NUISANCE COMPLAINT ALLEGING THAT

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PROPERTY BELONGING TO TONY AND MARY DUREN IS DEFINED AS A POSSIBLE NUISANCE PER HUMBOLDT COUNTY CODE, CHAPTER 8.04. THE PROPERTY IS LOCATED AT 4225 RAINBOW ROAD, WINNEMUCCA, NV, ASSESSOR'S PARCEL #3537-14-

226-003: Chairman Cassinelli read the title of the item set to public hearing. Property owners Mary and Tony Duren present. No complainant or representative present. Clerk Spero stated that she had not had the opportunity to provide a letter to the property owners detailing the cleanup required by the Board. Commissioner Brissenden noted that she had viewed the site and that it is looking better. Mrs. Duren detailed what had occurred to this point including her conversation with her immediate neighbors who had noticed the improvement and thanked her for it; she stated that they will continue to work on the cleanup until it gets cold. Commissioner French thanked the property owners for their work but suggested that the matter should be reviewed to verify that cleanup is continuing. The following motion was made by Commissioner French and passed unanimously:

To continue this nuisance complaint which is for Tony and Mary Duren at property located at 4225 Rainbow Road, Winnemucca, Nevada, Assessor's Parcel Number 3537-14-226-003 for review at the County Commission meeting on October 20th.

REVIEW OF PROGRESS TOWARD ABATEMENT OF A NUISANCE AT 3105 VALLEY WAY, WINNEMUCCA, NEVADA OWNED BY WADE J. MUSSI:

Provided to the Board was a copy of a review of the site prepared by the Building Director. No property owner nor complainant present. Clerk Spero noted for the record that this property is situated across the street from her residence. Clerk Spero continued stating that she had spoken to the property owner and he had indicated that he would be unable to attend today's meeting, that the property owner had indicated that the vehicle located outside of the fence was not his, that she had contacted the Road Department to request that the vehicle be removed from the County right-of-way and stated her acceptance of what cleanup has been accomplished and requested that the property owner be given more time to complete the cleanup. The Board agreed that as action is occurring an extension could be given. The following motion was made by Commissioner French and passed unanimously:

To extend this until the meeting of October 20th with concern as to the nuisance complaint at 3105 Valley Way, Winnemucca, Nevada.

UPDATE FROM CHAD PETERS REGARDING WINNEMUCCA RECREATION CENTER AND BOYS & GIRLS CLUB PROJECT:

Chad Peters, Ray Parks and Rusty Bahr appeared before the Board. Mr. Peters offered a presentation detailing the status of the project, the process, the board members, Phase I Land development/acquisition, the proposed design, Phase II including the recreation

facility, the Boys & Girls Club, the planned time line and the cost projections.

REQUEST TO ADOPT PROCLAMATION DECLARING OCTOBER 19 - 25, 2014 AS

“FREEDOM FROM WORK PLACE BULLIES WEEK”: A copy of the proposed proclamation and a copy of an e-mail from Kassina McClarry, Nevada Healthy Workplace Advocate detailing the request were provided to the Board for review. Administrator Deist noted the e-mail received and recommended approval of the proclamation. Commissioner Brissenden read the proclamation as presented. The following motion was made by Commissioner Amos and passed unanimously:

To adopt the proclamation declaring October 19th through the 25th as Freedom From Work Place Bullies Week.

(Resolution No. 09-15-14a)

POSSIBLE AWARD OF BID FOR THE WINNEMUCCA EVENTS COMPLEX

AGRICULTURAL TRACTOR: Provided to the Board for review was a memo from Road Superintendent Ben Garrett offering a bid summary of the bids received from Winnemucca New Holland and Pape Machinery and recommending the lowest bid proposal of \$55,893.00 submitted by Winnemucca New Holland (see attached). Winnemucca Convention & Visitors Authority Director Kim Petersen and Road Superintendent Ben Garrett appeared before the Board. Superintendent Garrett reviewed the memo provided for the Board. The following motion was made by Commissioner Brissenden:

To award the bid for the Winnemucca Events Complex agricultural tractor to Winnemucca New Holland for \$55,893.00.

Deputy District Attorney Carr asked if the motion to include that the award was based on a finding that the bidder was the lowest responsive and responsible bid in accordance with NRS Chapter 332. The following amended motion was made by Commissioner Brissenden and passed unanimously:

To award the bid for the Winnemucca Events Complex agricultural tractor to Winnemucca New Holland for \$55,893.00 as the bidder had the lowest responsive and responsible bid in accordance with NRS Chapter 332.

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

REPORT OF PENDING ROAD DEPARTMENT PROJECTS: Superintendent Garrett reviewed the chip seal project, the mag chloride project, grading, patching on Cordero, the status of the mower, pipe and cattle guard replacements.

MISCELLANEOUS ROAD MATTERS: County Clerk Spero thanked Superintendent Garrett and the Road Department for their assistance during the CFOA Conference. Discussion occurred regarding the tractor.

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REQUEST FROM PARADISE-SONOMA CONSERVATION DISTRICT TO PLACE EQUIPMENT IN THE PARADISE VALLEY WEED DISTRICT BUILDING:

Provided to the Board for review were copies of a letters from Cheryl Hall, Will Hall and Bob Buckingham related to concerns with the request made by the Paradise-Sonoma Conservation District to place equipment in the Paradise Valley Weed District Building. Administrator Deist stated that this item had been placed on the agenda at the request of Joe Sikking but that Mr. Sikking was not in attendance today; he further noted the letters provided to the Board. Commissioner Bell asked if this matter had been on the Weed District's agenda and what decision had been made by that Board. Administrator Deist stated that he did not know but that he did know that the District Attorney's Office is working on a lease between the County and the Weed District for this building which is in line with what the County does related to everything but fire halls and generally the lease speaks to who can and who can't use the facility so perhaps it would be best to wait until the lease is developed and signed by both parties before proceeding. Commissioner Bell commented that the Weed Board is an appointed Board and questioned whether this should be their decision. Chairman Cassinelli stated that he believed it had been brought up at a Weed District meeting but there was a problem as there was no agreement yet. Commissioner French stated that until he saw a recommendation from the Weed Board regarding utilization of the building by other entities he would not be in favor of anything since it is their building and their program. Commissioner Amos stated that the building should only be used by the Weed Board as that is what the facility was built for so he would oppose sharing it. Commissioner Brissenden disclosed that she is on the Conservation District and she was not sure how much she could comment but she noted that letters had been received from Weed Board members who are not comfortable with the request and as it is their building, their opinion should take precedence. The following motion was made by Commissioner Amos:

That the Commission is opposed as of now to place any other equipment besides the Weed Board's equipment and spray in the building until there is an agreement drawn up between the County and the Weed Board.

PLANNING MATTERS:

SET TO PUBLIC HEARING RH-14-05 - A ZONE CHANGE REQUEST SUBMITTED BY LUCILLE MAGA; BRAD HOLGATE WITH TRANSFUELS RETAIL OPERATION, LLC TO CHANGE THE ZONING FROM C (COMMERCIAL) TO M - 1 (INDUSTRIAL DISTRICT). SUBJECT PROPERTY IS LOCATED AT 4505 W. WINNEMUCCA BOULEVARD; APN 3537-02-401-001 (013-042-32):

Chairman Cassinelli read the title of the item to be set to public hearing. The following motion was made by Commissioner Bell and passed unanimously:

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To set to public hearing RH-14-05 a zone change.

CLARIFICATION REGARDING THE ROLE OF THE REGIONAL PLANNING COMMISSION RELATED TO THE MEDICAL MARIJUANA ESTABLISHMENT ORDINANCE:

Deputy District Attorney Carr explained that the Planning Commission wanted some clarification as to the scope of what the Commission wanted them to do in relation to the medical marijuana establishments and the ordinance related to that. Chairman Cassinelli commented on what had occurred with the original ordinance and suggested that it would not be a good thing to have the dispensaries out in the more rural areas of the County, further away from law enforcement, so he questioned if the RPC should be determining the locations that the establishments could be located. Commissioner Amos concurred. Commissioner French commented on his thoughts from the prior meeting related to allowing the RPC to offer further insight into the issue. Deputy District Attorney Carr explained what the RPC subcommittee was dealing with related to local ordinances but questioned whether the Commission would like to see recommendations for resolutions directed at State and Federal law changes. Chairman Cassinelli stated no that was not his intention, he wanted it specific to Humboldt County. Commissioner Bell concurred stating that it should just be pros and cons for having the different type of establishments located in the County. Discussion occurred regarding what options the County would have with allowing some types of establishments and/or restricting other types. Lewis Trout, Chairman of the Planning Commission, addressed the Board noting that contact has been made with the AG's Office regarding this matter; he noted concerns of some of the RPC members and the possibility of presenting resolutions to the Commission for consideration that would support amending the zoning statutes to allow cultivation in agriculturally zoned areas and amending Federal regulations to allow pharmacies to dispense medical marijuana and shared the direction provided by the AG's Office related to the matter. Chairman Cassinelli stated that he would only be in support of recommendations for Humboldt County. Commissioner Bell concurred. Discussion occurred regarding what types of recommendations could come from the RPC. Commissioner French stated that it was his intent that the RPC would be able to discuss this holistically as a group and then they would return a recommendation to the Commission based on the information discussed and collected. Administrator Deist noted the need to move forward on this. Commissioner French commented on the suggestion made by the Nevada Association of Counties that if a decision could not be agreed upon, a moratorium could be put in place until decisions are made permanently at the State and Federal levels. Chairman Cassinelli noted that originally the plan was to do a moratorium as they did in Lyon County. Discussion ensued. Commissioner Bell said that he would be okay with a moratorium but that he would like to see the recommendations. Chairman

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Cassinelli stated that would be fine but to keep the focus on the local zoning issues. Chairman Cassinelli asked if a motion is needed on this matter. Deputy District Attorney Carr stated that the clarification is sufficient. The Board agreed that they had a consensus as to the direction provided.

REVIEW AND POSSIBLE ADOPTION OF HUMBOLDT COUNTY'S PETITION TO CONGRESS REGARDING CERTAIN FEDERAL ISSUES IMPACTING HUMBOLDT

COUNTY: Provided for the Board's review were a copy of an e-mail from the Chairman of the Elko County Commission requesting a resolution related to federal issues impacting Humboldt County including a copy of the Elko County resolution and a copy of a proposed resolution as prepared by the Chairman, District Attorney and Administrator which better reflects Humboldt County's concerns including the listing of the Greater Sage Grouse as an endangered species, the refusal to enforce the Wild Horse and Burro act to remove excess wild horses in Nevada, the introduction of regulations to control all water of Nevada by the Environmental Protection Agency, the use of the Equal Access to Justice Act by environmental organizations, the protection of the Raven as a protected species under the Migratory Bird Treaty and a request that public lands from the Federal Government be transferred to the State of Nevada as recommended by the Nevada Land Management Task Force. After discussion the following motion was made by Commissioner Brissenden and passed unanimously:

To adopt Humboldt County's petition to Congress regarding certain Federal issues impacting Humboldt County as recommended by staff.

(Resolution No. 09-15-14b)

Chairman Cassinelli recessed the meeting at 11:41 a.m. to reconvene at 1:30 p.m.

STEP 1 IN RECRUITMENT PROCESS FOR COUNTY ADMINISTRATOR TO INCLUDE BUT NOT LIMITED TO: SALARY AND BENEFITS, IDEAL CANDIDATE QUALIFICATIONS, SUPPLEMENTAL QUESTIONS OR INFORMATION REQUIRED OF CANDIDATE AT TIME OF APPLICATION, RECRUITMENT TIME LINE, USE OF A RECRUITMENT COMMITTEE OR NOT, PAYMENT OF COST FOR FINALIST INVITED FOR INTERVIEW/RELOCATION COST PAYMENT/CONTRACT WITH THE SELECTED APPLICANT AND MATTERS RELATED THERETO:

Provided to the Board for review was a copy of an e-mail from Jeanne Greene noted the revisions made in language based on the Commission's input at the prior meeting, a listing of the items requiring Commission input and a salary survey of other County's Administrators/Managers including the City of Winnemucca. Jeanne Greene of Pool/Pact Human Resources appeared before the Board. Discussion occurred regarding the salary and benefits associated with the Administrator's position including a comparison with other Counties and the City's. Ms. Greene suggested, for better recruiting,

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that an additional \$10,000.00 at the minimum be added to the top of the salary range. The following motion was made by Commissioner French and passed unanimously:

To set the salary range for the County Administrator position at \$115,000.00 to \$145,000.00.

Discussion occurred regarding additional benefits. The Board concurred that they did not want to provide a vehicle, that they did want to use a formal contract and that the language of the contract needs to be reviewed by the District Attorney. The following motion was made by Commissioner Bell and passed unanimously:

To offer a contract for this position.

Discussion occurred regarding the job description and the change in the language requested at the prior meeting related to not requiring governmental experience but having the ideal candidate be from the western states with experience in water and land use. The Board agreed that the language is acceptable. The following motion was made by Commissioner French:

To accept the brochure as presented by Jeanne Greene with changes suggested.

Discussion occurred as to when the recruitment period would open and where the position would be advertised. Deputy District Attorney Carr suggested that the requirement for a contract language be included in the brochure. The Board concurred. Discussion occurred regarding how the supplemental questioning will be handled during the interviews. Chairman Cassinelli called Commissioner French's motion to a vote and it passed unanimously. Discussion occurred regarding travel costs for interviewees and relocation costs for person selected. After discussion the following motion was made by Commissioner French and passed unanimously:

That the Commission is willing to offer up to \$400.00 to the finalists for travel costs for interview and any re-location costs would be negotiated at the time the position is offered.

Discussion occurred as whether to use a committee for recruitment or whether to have POOL/PACT do the screening and return to the Board with the finalists. The Board concurred that they would rely on POOL/PACT to handle the recruitment. The following motion was made by Commissioner French and passed unanimously:

That the Commission rely on the POOL/PACT committee to make the initial selections and the screening process and to bring those applicants to the Board.

Ms. Greene stated that she would provide status reports on the process. Discussion occurred regarding what the minimum/maximum would be for the number of finalists. After discussion the

following motion was made by Commissioner Bell and passed unanimously:

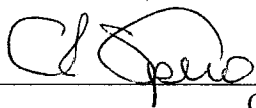
To bring back finalists a minimum of five to maximum of eight candidates.

Ms. Greene asked if the intent is that there will be a transition period when the person hired will work with the current Administrator. The Board confirmed that was the plan. Additionally the Board stated that the person selected must reside in Humboldt County but would be given a reasonable time to relocate. Joyce Sheen asked from the audience if the Board had made a decision on continuing to call the position County Administrator or if they were going to change it to County Manager. The Board agreed that they were going to leave it as Administrator.

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

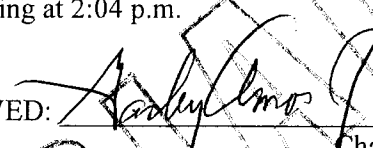
ADJOURNMENT: Chairman Cassinelli adjourned the meeting at 2:04 p.m.

ATTESTED: _____



Clerk

APPROVED: _____



Chairman

(Minutes approved by the Commission and signed by the Chairman on 01-05-15)

MEMORANDUM

TO: COMMISSIONERS
FROM: ADMINISTRATOR
DATE: September 10, 2014
SUBJECT: CONSENT AGENDA

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

1. Appointment to Paradise Valley Weed Board: There is presently one vacancy on this Board. Attached is a request for appointment.

Recommendation: That the Commission appoint Ken Smith to this Board.

2. Request for adjustment to the Humboldt County Real Tax Role: Attached are three requests for your review.

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

3. Request for refund of TV/Radio Assessment for the Denio Television District: Attached is the request for your review.

Recommendation: That the Commission approve the request.

To: Humboldt County Board of Commissioners
 From: Ben Garrett, Roads Superintendent
 Date: September 4, 2014
 Subject: Fairgrounds Agricultural Tractor

In the 2014-2015 annual budgets, the Humboldt County Board of Commissioners authorized the purchase of an Agricultural Tractor. Humboldt County solicited bids for the Agricultural Tractor for use by the Fairgrounds. The bids closed on August 28, 2014. The bid process complied with NRS 332.

The only respondents were Winnemucca New Holland and Pape machinery.

Bid Summary

Winnemucca New Holland

551 Highway 95N

Winnemucca, Nevada 89445

Unit Bid: 2014 Model T5.115

Unit Base Price: **\$55,893.00**

Exceptions: 1) Mechanical Suspension Seat instead of an Air-Ride Suspension Seat, seat can be added for an additional charge of \$1,400.00.

2) Specifications called for 3 hydraulic valves on the rear of the machine, machine is equipped with 2 valves, a third valve can be installed for an additional cost of \$1,429.00.

Warranty: 2 years or 2,000 hours

Delivery Time: 10 days

Pape Machinery

43428 State Highway 299E

Fall River Mills, California 96028

Unit Bid: 6115M Cab MFW

Unit Base Price: **\$94,950.00**

Exceptions: 1) No Coolant filter as specified in the bid.

2) Exterior lights are not LED.

3) Work lights are not Seal beam Halogen.

4) Engine air filter mounted under hood instead of outside the compartment.

5) All other exceptions listed were clarifications to the specifications.

Warranty: 2 year or 2,000 hours

Delivery Time: 150 days

Winnemucca New Holland submitted the lowest bid proposal at **\$55,893.00**