

Monday, January 5, 2015

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, January 5, 2015, at 9:30 a.m. in the regular place of meeting at the Courthouse, Winnemucca, Nevada. Those present were Chairman Garley Amos, Jr., Commissioners Marlene Brissenden, Mike Bell, Jim French and Ron Cerri, District Attorney Michael Macdonald, Administrator Bill Deist, Administrator Dave Mendiola and Clerk of the Board Tami Rae Spero.

PUBLIC COMMENTS: Chairman Amos asked for public comments. Mike Meagher appeared before the Commission and asked what the County got for the five million dollars plus that was given to the hospital per the County Treasurer in the last fiscal year. Administrator Deist explained that those funds are a pass through as the County collects the taxes that are levied by the Hospital District and those are then transferred to the Hospital District in the same manner as the County collects the taxes for the City, the School District and the other special districts. Mr. Meagher asked about the accountability. Administrator Deist replied that the accountability lies with the District. Mr. Meagher commented on his research that people in the community were using facilities in other communities and not the local hospital, so he questioned why funds were given to the District if no one is using the hospital. Commissioner Bell noted that this was a hospital question and thanked Mr. Meagher for his comments. Chairman Amos asked for additional public comments: none offered.

DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - SEPTEMBER 15, 2014, OCTOBER 6, 2014, OCTOBER 20, 2014, NOVEMBER 10, 2014, NOVEMBER 24, 2014 AND DECEMBER 15, 2014 REGULAR MEETINGS AND NOVEMBER 14, 2014 AND DECEMBER 2, 2014 SPECIAL MEETINGS: Chairman Amos asked for corrections/additions for the minutes of September 15, 2014; none offered. The following motion was made by Commissioner French and passed unanimously:

To accept the minutes of September 15, 2014 as presented.

FIX THE TERM OF THE CHAIR AND VICE-CHAIR: Commissioner Bell noted that in the past the term had been one year and offered the following motion which passed unanimously:

To fix the term of the Chair and Vice-Chair at a year.

ELECTION OF CHAIR: Commissioner French nominated Garley Amos as the Chair for 2015 and Marlene Brissenden as the Vice-Chair. Administrator Deist noted that the Vice-Chair election was a separate item on the agenda. The following motion was made by Commissioner Bell and passed unanimously:

To elect Garley Amos as Chair.

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ELECTION OF VICE-CHAIR: Commissioner French nominated Marlene Brissenden for Vice-Chair for 2015 and offered the following motion which passed unanimously:

To appoint Marlene Brissenden Vice-Chair.

ANNUAL SERVICE AWARDS PRESENTATION TO COUNTY OFFICIALS AND

EMPLOYEES: Chairman Amos presented service awards to the following employees:

<u>25 YEAR PLAQUE-</u>	Fairgrounds	-	Sheree Tibbals
	Juvenile	-	William "Bill" Jones
	Road	-	Tim Chabot (not present)
<u>20 YEAR PLAQUE-</u>	Buildings & Grounds	-	Maria Lucila Alvarez (not present)
	TV/Communications	-	David "Ric" Grantham
<u>15 YEAR PLAQUE-</u>	Administrator	-	Bill Deist
	Administrator	-	Karen Bannister
	Assessor	-	Monica Miller
	Library	-	Sherry Ranf (not present)
	Road	-	Roy Tiske
	Sheriff	-	Lee Dove
	Sheriff	-	Kevin Malone
	Sheriff	-	Chris Lininger
	Treasurer	-	Gina Rackley
<u>10 YEAR PLAQUE-</u>	Assessor	-	Jennifer Wilhite
	Justice Court	-	Deborah Lohr
	Justice Court	-	Lefette "Letty" Norcutt (not present)
	Justice Court	-	Ramona Suba
	Juvenile	-	Toni Hawk (not present)
	Juvenile	-	Robert Kittrell (not present)
	Juvenile	-	Kimra Raabe (not present)
	Library	-	Shirley Ruggera
	Sheriff	-	Damon Kuskie
<u>5 YEAR CERTIFICATE-</u>	Buildings & Grounds	-	Maria Guerrero (not present)
	District Attorney	-	Maria Bengochea
	District Attorney	-	Brenda Dial (not present)
	District Court	-	Irma Aboytes (not present)
	Juvenile	-	Christina Berish (not present)
	Library	-	Rebecca Hawley
	Recorder	-	Stephiene Yenne

ADMINISTRATIVE REPORT:

CONSENT AGENDA: No items were presented under the consent agenda.

SOLID WASTE MATTERS: Administrator Deist stated that he had nothing on this item.

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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 reported on October's CTX figures which continued to decline, the status of the amendment to chapter 2.16.040 of County Code and a proposed order from the State Engineer related to the Humboldt River Basin Hydrographic Region. Upcoming meetings and dates of importance were noted. Discussion ensued regarding an upcoming meeting to be held at the County Meeting Room by the Division of Water Resources related to the previously discussed order. The Board agreed that the matter would need to be agendized as a majority of Commissioners might attend.

REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES

THEY SERVE ON: No reports offered.

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

To approve the expenditures as presented.

DETERMINATION OF COMMISSION ASSIGNMENTS FOR 2015: Commissioner French stated that he would maintain the same assignments from the prior year except for serving as the alternate to the Humboldt River Basin Water Authority which he will give to Commissioner Cerri; he further noted that he is the County's representative for the State Land Use Planning Advisory Council (SLUPAC). Commissioner French's other assignments: NevadaWorks Board, Landfill Committee and Commission representative on the Nevada Association of County Officials (NACO) Board of Directors Commissioner Bell stated he was okay with his current assignments of: Humboldt Development Authority, Local Emergency Planning Committee, Nevada Homeland Security Working Group and alternate to NACO Board of Directors. Commissioner Brissenden stated that she was okay with her current assignments of Debt Management Commission, Hospital Board, Paradise Valley/Sonoma Conservation District Board and alternate to NACO Board of Directors. Chairman Amos stated that he was okay with this current assignments of Water Canyon Advisory Committee, Landfill Committee, Welfare & Indigent Services Committee, Humboldt River Basin Water Authority, Regional Transportation Commission and alternate to NACO Board of Directors and SLUPAC. Commissioner Cerri stated that he would assume Commissioner Cassinelli's appointments including Winnemucca Convention & Visitors Authority, The Humboldt Foundation, Regional Transportation Commission, Board of Equalization and alternate to

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NACO Board of Directors and that he would serve as the alternate to the Humboldt River Basin Water Authority. It was further noted that all five Commissioners serve on the Building Board of Appeals, Humboldt County Fire Protection District, Board of Health and Liquor Board. After discussion the following motion was made by Commissioner Bell and passed unanimously:

That Commissioner Cerri takes what Commissioner Cassinelli had and also is the alternate on the Humboldt River Basin Water Authority and that Commissioner French has the SLUPAC appointment.

APPOINTMENT TO THE DEBT MANAGEMENT COMMISSION: Provided to the Board for review was an e-mail from County Clerk Spero indicating the need to appoint the members at large to the Debt Management Commission and stating that current members Richard Robie, Dave Roden and Ron Schrempp have all agreed to re-appointment. District Attorney Macdonald explained the purpose of the Debt Management Commission for the Board. The following motion was made by Commissioner Bell and passed unanimously:

To re-appoint Richard Robie, Dave Roden and Ron Schrempp.

Discussion ensued regarding the need to fill the position of General Improvement District representative on the commission.

ADOPTION OF RESOLUTION PROCLAIMING JANUARY AS NATIONAL RADON ACTION MONTH IN HUMBOLDT COUNTY: A copy of the proposed resolution was provided to the Board for review. Connie Beck of the Extension Office appeared before the Board and spoke in support of the proclamation and discussed radon awareness. The following motion was made by Commissioner Bell and passed unanimously:

To adopt the resolution proclaiming January as National Radon Action Month in Humboldt County.

(Resolution No. 01-05-15)

REQUEST FROM YOUTH AND FAMILY SERVICES FOR A WAIVER TO THE ATTRITION POLICY FOR A VACANT JUVENILE PROBATION OFFICER/GUARDIAN AD LITEM: Chief Juvenile Probation Officer Ed Sampson appeared before the Board and spoke in support of waiving the attrition policy for a vacant Juvenile Probation Officer/Guardian Ad Litem position. Commissioner French noted that this is a public safety position. The following motion was made by Commissioner Brissenden and passed unanimously:

To approve the request for waiver to the attrition policy for the vacant juvenile probation officer/guardian ad litem position.

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SET TO PUBLIC HEARING A PROPOSED ORDINANCE ESTABLISHING A LIST OF APPRAISERS TO BE UTILIZED BY THE COUNTY WHEN IT IS NECESSARY TO HAVE REAL PROPERTY OF COUNTY APPRAISED PRIOR TO SALE OR LEASE:

Chairman Amos read the title of the item to be set to public hearing. District Attorney Macdonald explained the purpose of the ordinance and summarized the draft. The following motion was made by Commissioner Bell and passed unanimously:

To set to public hearing the proposed ordinance.

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

AUTHORIZATION TO PURCHASE 1 ½ TON VEHICLE: Superintendent Garrett spoke in support of the request including the plan to obtain the vehicle from State purchasing; he offered the recommendation that approval be given for the purchase of a 2015 Dodge Ram 5500 Cab and Chassis for \$44,297.55. After discussion the following motion was made by Commissioner Bell and passed unanimously:

To authorize the purchase of the one and a half ton vehicle for the Road Department in the amount of \$44,297.55.

PENDING ROAD DEPARTMENT PROJECTS: Superintendent Garrett reported on the covering of roads, road grading and crack sealing.

MISCELLANEOUS ROAD RELATED MATTERS: Chairman Amos noted that a cattle guard on Thomas Canyon Road needed work.

RETREAT PLANNING: The Commission discussed the Commission Retreat and confirmed that one would occur, that it would be held in the meeting room at the extension building at the fairgrounds on January 26, 2015 beginning at 9:00 a.m. Items to be discussed included personnel policy as to sick leave, the long range plan for the dispatch center, the long term plans for county buildings, the County's involvement in the Endangered Species Act and the Wild Horse & Burro management and the potential future litigation of the matters, the proposed County Water Management Plan, a long term budget overview, the identification of undesignated land in the master plan, POOL/PACT's involvement with the Dispatch Center, the plan for the Communications Department and road issues including the long term funding of the road department's budget.

ADOPTION OF A RESOLUTION PROCLAIMING JANUARY AS NATIONAL STALKING AWARENESS MONTH IN HUMBOLDT:

A copy of the proposed resolution was provided to the Board for review. Commissioner Brissenden read the resolution as proposed. The following motion was made by Commissioner Bell and passed unanimously:

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To adopt the resolution proclaiming January as National Stalking Awareness Month in Humboldt County.

(Resolution No. 01-05-15a)

REQUEST BY THE CITY OF WINNEMUCCA FOR THE DEDICATION AND GRANT OF AN EASEMENT ACROSS AND ALONG THE WESTERN BOUNDARY OF THE WINNEMUCCA EVENTS COMPLEX PROPERTY LOCATED AT 1000 FAIRGROUNDS ROAD, WINNEMUCCA, NEVADA, ASSESSOR PARCEL NO. 3638-20-426-001, FOR THE PURPOSE OF CONSTRUCTION AND MAINTAINING AN UNDERGROUND PIPELINE AND A RETENTION POND TO HANDLE STORM DRAIN WATER AND THE AUTHORIZATION OF THE CHAIR TO SIGN DOCUMENTS RELATED THERETO:

City Manager Steve West appeared before the Board and explained the purpose of this request is to address storm water run-off concerns for Fairgrounds Road, that the property owners in that area are getting together to fund a storm drain project which will connect to an existing storm drain system in the area; he reviewed the proposed design of the project. After discussion the following motion was made by Commissioner Bell and passed unanimously:

To grant the request from the City of Winnemucca for the dedication and grant of an easement and to authorize the Chair to sign all the documents related to that.

AUTHORIZATION TO DIRECT ALLISON MACKENZIE TO ENTER INTO NEGOTIATIONS WITH NEW NEVADA LAND FOR A HOST AGREEMENT FOR THE JUNGO LANDFILL:

Administrator Deist explained that at the Commission meeting of April 15, 2013 the Commission had agreed to hire Allison MacKenzie to negotiate a host agreement with Jungo Land & Investment but that did not occur and the process has been placed on hold, that when the Nevada Division of Environmental Protection (NDEP) granted the permit for the Jungo Landfill the owner was listed as New Nevada Resources as they owned the land on which the landfill was to be located but that Jungo Land & Investment had an option on the property and as such were listed as the operator on the permit, that since that time the option has expired and Jungo Land & Investment has not been able to reach an agreement with the property owner to obtain a new option. He continued explaining that the County had been approached by New Nevada Resources as to the status of the conditional use permit and whether the permit runs with the land, that the District Attorney had issued an opinion that indicated that generally conditional use permits issued by Humboldt County run with the land because it does not matter who owns the land but only that the conditions are fulfilled however the District Attorney noted that in this case there may be specific conditions of the permit which may be personal to the permit holder. Administrator Deist concluded by stating that based on these facts New Nevada Resources is moving

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forward with NDEP to change the operator from Jungo Land & Investment to New Nevada Resources and they have indicated a willingness to enter into negotiations for a host agreement but, as the original motion was to negotiate with Jungo Land & Investment, the matter is being brought back to the Commission to allow for negotiation with New Nevada Resources. Commissioner French offered comments about his concerns including that the suggestion that the permits for air quality and operating are readily transferrable from one company to the next as that has not been settled as NDEP and the Attorney General are meeting to discuss the issue and so whether that will occur cannot be determined at this time, the question of whether the Humboldt County voter initiative that was voted in would apply to any additional companies and is there a legal issue revolving around the transfer of the conditional use permit because of that and also a concern about conflict as he believes Allison Mackenzie also represents New Nevada Resources; he continued stating that because of the transfers of these permits he had hoped that the Regional Planning Commission would be involved in this process and he asked RPC Chairman Lewis Trout (who was in the audience) if he was aware of this project transfer that is being proposed. Lewis Trout appeared before the Commission and stated that he had become aware of this matter when he saw the County Commission agenda, that prior to that he had not been aware of this proposal, that he had not been involved with any of the meetings referred to including the meetings with the Planning Department personnel. Commissioner French stated that he was noting these things because the issue with the landfill had been one of the most contentious issues to come before the County Commission and he feels that in order to move forward there needs to be as much information and as many players around the table as possible and that should include the RPC. Mr. Trout offered a correction to one item in the memorandum sent from Administrator Deist which stated that NDEP had issued the permit to New Nevada Resources as, upon referring to a copy of that permit NDEP had issued, the permit jointly to New Nevada Lands LLC as the operator/owner and to Jungo Land & Investments Inc. as the operator, so the State did make a definite distinction in terms of the responsibilities under the permit as to what the operator was responsible for. Both Commissioner French and Mr. Trout commented on the planned meeting between NDEP and the Attorney General. Commissioner French suggested that the request on the agenda today is premature as there needs to be answers regarding the permits, whether all the compliance criteria has been met and there needs to be a legal opinion as to if and how the initiative may apply; he continued noting that if the Commission move forward with the item agendized today it appears that the Commission is accepting the fact that all the items that have been discussed today have been complied with and that the Board agrees with them and are willing to move forward relative to the host agreement. Chairman Amos suggested that the matter be tabled but asked if anyone from the public

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wanted to comment. Commissioner Bell stated he agreed with the need to look into the conflict of interest concern and that he would like to know what NDEP decides. Administrator Deist asked if that was a motion to table the matter. Commissioner Bell stated that he would be willing to make that motion. Robert Dolan appeared before the Board and commented on the issue of the conflict if Allison MacKenzie is representing both New Nevada Lands and the County. Administrator Deist stated that when Allison MacKenzie was notified that the matter was on the agenda, they did not disclose any conflict to him. Mr. Dolan stated that could be a real problem if disclosure had not occurred. Mr. Dolan continued referring to the citizen's initiative which was now the law in Humboldt County and he questioned whether it is being complied with, notwithstanding this issue, as under that law the Regional Landfill Committee is supposed to be certifying numbers about the amount of garbage generated by the district and he asked if that was occurring. Administrator Deist stated those numbers are reported to NDEP on a regular basis. Mr. Dolan responded that they are supposed to be reported to the Commission under the law and he reviewed the language of the law as passed for the Board and offered his opinion that the Commission is not currently in compliance with that law and gave notice to all the elected officials that they had better start enforcing the laws relative to the initiative or they will be recalled and it will be a political mess and he wants to make sure that this goes by the numbers as he is watching it carefully and he will not allow the Commission to adopt a passive attitude about what the citizens firmly supported. Commissioner Bell stated that at this time the Commission does not have the information needed to consider this matter and that he would like to have the legal opinions on the matters raised today and so he offered the following motion:



To table this item.

Roberta Bothwell appeared before the Board and stated that once again we are starting to get into things that are being done behind our backs, that is what happened before, people were not informed; she stated her agreement with what Commissioner French had bought up and noted that she had not supported the initiative because it was promoted as a way to stop the Jungo Landfill and that was not what it was about, it was about anything else that came up and this is something else coming up, this is a new company so she stated that the County should not go down that road again and they need to stand by the initiative as it was passed. No further comments offered. Chairman Amos called Commissioner Bell's motion to a vote and it passed unanimously.

PUBLIC COMMENTS: Chairman Amos asked for public comments. An audience member asked which Commissioners were on the Landfill Committee. Chairman Amos and Commissioner French were indicated as the members of the committee. Vickie Rock appeared before the Board and suggested that

an item to discuss at the retreat was the support of the collection of sales tax on internet purchases. No further public comment offered.

ADJOURNMENT: Chairman Amos adjourned the meeting at 11:56 a.m.

ATTESTED:  Clerk APPROVED:  Chairman

(Minutes approved by the Commission and signed by the Chairman on 4-20-15)

UNOFFICIAL

MEMORANDUM

TO: COUNTY COMMISSIONERS
FROM: COUNTY ADMINISTRATOR
DATE: December 30, 2015
SUBJECT: OTHER INFORMATION AND UPCOMING MEETINGS

OTHER INFORMATION:

1. October CTX: As we have reported for the last several months CTX continued to decline in October. The sales were down 23.8% and revenue was down by 15.07% for the month and 24.93% for the year to date. In dollars this is a loss of revenue of \$1,241,589.26 over the first four months of this fiscal year in comparison to the first four months of last fiscal year.
2. Proposed Amendment to HCC Section 2.16.040: At your last meeting a proposal was presented to related to this subject. At this time the District Attorney is still reviewing the proposal and once that is completed it can be brought forward.
3. Proposed order from the State Engineer: Attached is a letter from the State Engineer and the proposed order. This order relates to the Humboldt River Basin Hydrographic Region. There will be a meeting here on January 14, 2015 in the Commission meeting room.

UPCOMING MEETINGS:

1. January 7, 2015 Management Team
2. January 9, 2015 BLM coordination meeting
3. January 14, 2015 Water Resource Meeting
4. January 19, 2015 County Holiday
5. January 20, 2015 Commission