

Tuesday, January 20, 2015

The regular meeting of the Humboldt County Board of Commissioners was called to order on Tuesday, January 20, 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 Dave Mendiola and Clerk of the Board Tami Rae Spero.

PUBLIC COMMENTS: Chairman Amos asked for public comments. Charles Stempeck appeared before the Commission and requested an item be placed on the agenda for February 2nd involving NRS 244.281(e)(d) and how it can be applied to the sale of the old fire house in Paradise Valley; he provided a copy of the written request to the Administrator. Mr. Stempeck asked who would have a key to the building so he might access it to look inside. The suggestion was to contact either the County Building & Grounds Director Doug Cain or the Paradise Valley Fire Chief Jason Deputy. Administrator Mendiola stated that he would follow up on that and find out who could assist with the request. Mr. Stempeck asked where he would obtain a legal description for the property. Commissioner French directed him to the Assessor. Mr. Stempeck offered his thanks to Commissioner Brissenden and District Attorney Macdonald for answering questions and returning phone calls. No further public comment offered.

DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - OCTOBER 6, 2014, OCTOBER 20, 2014, NOVEMBER 10, 2014, NOVEMBER 24, 2014, DECEMBER 15, 2014 AND JANUARY 5, 2015 REGULAR MEETINGS AND NOVEMBER 14, 2014 AND DECEMBER 2, 2014 SPECIAL MEETINGS: Chairman Amos asked for corrections/additions for the minutes of October 6, 2014; none offered. The following motion was made by Commissioner Bell and passed with Commissioner Cerri abstaining as he had not been on the Commission at the time:

To approve the meeting minutes as presented.

No further minutes submitted for consideration.

ADMINISTRATIVE REPORT:

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

1. Petitions and Resolutions for Exemption related to certain budget requirements for Winnemucca Fire District, Denio Television District and Quinn River Television District: Copies of the proposed resolutions were provided to the Board for review. *Recommendation: That the Commission approve the request as recommended by the Comptroller.*
2. Approval of Annual Water Budgets as proposed by State Engineer: Information regarding the water distribution budgets for the 2015-2016 season were provided to the Board for review.

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Recommendation: That the Commission approve the water budgets as developed by the State Engineer's Office.

3. CDBG Grant Quarterly Report: A copy of the CDBG Quarterly Project Report for the McDermitt Community Services Multiplex was provided to the Board for review. *Recommendation: The Commission approve the report as submitted.*

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

To approve the consent agenda as presented.

(Resolutions No. 01-20-15/01-20-15a/01-20-15b)

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

MISCELLANEOUS REPORTS AND CORRESPONDENCE: Commissioner French informed the Commission that the Nevada Association of Counties (NACO) Board of Directors had determined the locations for association conferences over the next three years including 2017 when Humboldt County will be the host in cooperation with Lander and Pershing Counties. District Attorney Macdonald offered a follow-up to the discussion during the January 5th meeting related to the Jungo Landfill permit issue including the status of the NDEP permit and the confirmation that Allison Mackenzie has no conflict of interest (see attached memo). Chairman Amos suggested that anything related to the landfill should go through the District Attorney. Upcoming meetings and dates of importance were noted.

REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES

THEY SERVE ON: Commissioner Cerri commented on meetings he had attended including the Board of Equalization meeting, the State Water Engineer's public hearing and work shop regarding metering and water management in the Humboldt River Basin Hydrographic Region and a meeting with members of the National Riparian Team related to conflicts that have occurred between BLM and the users. Commissioner French discussed the NACO Board of Directors meeting he had attended and bill draft requests being submitted for the upcoming Legislative session.

ANNUAL INSPECTION OF ADULT DETENTION FACILITY - ENTIRE COMMISSION:

Chairman Amos stated that the entire Commission would meet this afternoon to inspect the detention facility.

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

To approve the expenditures.

MEMORANDUM OF UNDERSTANDING BETWEEN HUMBOLDT COUNTY AND MCDERMITT TRIBE REGARDING BUILDING INSPECTION SERVICES AT MCDERMITT TRAVEL STOP FACILITY:

A copy of a letter from the Fort McDermitt Paiute and Shoshone Tribe signed by Chairman Tildon Smart and a copy of the proposed Amendment No. 1 to the Memorandum of Understanding (MOU) between Humboldt County, Nevada and Fort McDermitt Paiute and Shoshone Tribe (original MOU 6/28/12) were provided to the Board for review. Building Official Bobby Thomas appeared before the Board and explained the request from the Fort McDermitt Paiute and Shoshone Tribe for the County Building Department to provide review and construction inspections for the Fort McDermitt Travel Plaza diesel truck fueling island project in the same manner as they have for the earlier part of the project. After discussion the following motion was made by Commissioner Bell and passed unanimously:

To approve the MOU between Humboldt County and the McDermitt Tribe regarding the Building Inspection services at McDermitt for phase three.

REQUEST FROM COUNTY CLERK FOR PRE-APPROVAL OF OVERTIME FOR COURT CLERK AND INDIGENT COORDINATOR IN COUNTY CLERK'S OFFICE:

County Clerk Spero spoke in support of her bi-annual request for pre-approval of twenty (20) hours of overtime for the Court Clerk position and ten (10) hours of overtime for the Indigent Coordinator position. The following motion was made by Commissioner French and passed unanimously:

To approve.

ADOPTION OF RESOLUTION PROCLAIMING FEBRUARY AS NATIONAL TEEN DATING VIOLENCE PREVENTION AND AWARENESS MONTH IN HUMBOLDT COUNTY:

A copy of the proposed resolution was provided to the Board for review. Commissioner Brissenden read the resolution proclaiming February as National Teen Dating Violence Prevention and Awareness month in Humboldt County. The following motion was made by Commissioner French and passed unanimously:

To adopt the resolution proclaiming February as National Teen Dating Violence Prevention and Awareness Month in Humboldt County.

(Resolution No. 01-20-15c)

PUBLIC HEARING ON ORDINANCE ADDING CHAPTER 2.42 TO TITLE 2 ADMINISTRATION AND PERSONNEL OF THE HUMBOLDT COUNTY CODE TO ESTABLISH A LIST OF QUALIFIED APPRAISERS AND THE PROCEDURE TO BE UTILIZED FOR THE SELECTION OF APPRAISERS BY THE COUNTY WHEN IT IS NECESSARY TO HAVE REAL PROPERTY OF THE COUNTY APPRAISED PRIOR TO SALE

OR LEASE: Provided to the Board for review was a copy of the Notice of Public Hearing and a copy of

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the proposed ordinance. Chairman Amos read the title of the item set to public hearing. District Attorney Macdonald explained the purpose of this ordinance. Chairman Amos asked for public comment. County Treasurer Gina Rackley appeared before the Board and explained the difference between Treasurer Trustee property and county owned property as she had received questions from the public. Commissioner Cerri asked about using the Assessor as one of the required appraisers for appraising county owned property. District Attorney Macdonald stated that he had not reviewed the ability to use the appraiser. Commissioner Cerri asked that the Assessor be contacted regarding the ability to use his appraisers due to the cost savings. After discussion the following motion was made by Commissioner Brissenden and passed unanimously:

To adopt the Ordinance adding chapter 2.42 to Title 2 Administration and Personnel of the Humboldt County Code to establish a list of qualified appraisers and the procedure to be utilized for the selection of appraisers by the County when it is necessary to have real property of the County appraised prior to sale or lease.

(Ordinance No. 01-20-15)

POSSIBLE APPROVAL OF AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES BETWEEN CSI TELECOMMUNICATIONS, INC. AND HUMBOLDT COUNTY FOR PROFESSIONAL SERVICES RELATED TO IMPLEMENTATION OF CSI COMMUNICATIONS, INC. REPORT:

Administrator Mendiola explained that this is the first phase of the CSI consultation report that had been approved by the Commission. District Attorney Macdonald stated that he had provided a copy of the agreement to the Commissioners prior to the meeting for their review and he reviewed the contract for the Board including changes that had been made. Chairman Amos asked if the action requested today is to approve the agreement. Commissioner Bell asked if the agreement was ready for action. District Attorney Macdonald offered that he could continue working with the counsel for CSI and then the item could be placed on the next regular agenda or it could be included on the agenda for the retreat. Commissioner Bell agreed but noted that Ric Grantham from the Communications Department is present and he would like to know if Mr. Grantham has reviewed the document and has any input on it. Mr. Grantham stated that he has reviewed the document and noted that they are sure some things will pop up which is why they had left it a bit vague to be able to cover things that may have been missed; he stated that he is comfortable with the scope of work identified. The following motion was made by Commissioner Bell and passed unanimously:

To go ahead and have the District Attorney continue to negotiate this contract and to bring it back at a future commission meeting when it is complete.

REVIEW AND POSSIBLE APPROVAL OF AMENDMENT OF EXISTING CONTRACT

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BETWEEN THE STATE OF NEVADA AND THE HUMBOLDT COUNTY DISTRICT ATTORNEY'S OFFICE FOR CHILD SUPPORT ENFORCEMENT SERVICES DURING THE PERIOD FROM JULY 1, 2012 TO JUNE 30, 2015 TO EXTEND THE TERMINATION DATE OF THE AGREEMENT FROM JUNE 30, 2015 TO JUNE 30, 2017 WITH THE INCREASES TO THE LIMITS FOR TOTAL EXPENDITURES FOR THE AMENDED CONTRACT TO INCREASE TO \$505,410 FOR YEAR ENDING JUNE 30, 2016 AND \$520,572 FOR YEAR ENDING JUNE 30, 2017, AND THE AUTHORIZATION FOR THE CHAIR, CLERK AND DISTRICT ATTORNEY TO EXECUTE THE SAME IF APPROVED:

A copy of the contract and the proposed amendment were provided to the Commission for review. District Attorney Macdonald reviewed the request for the Board. After discussion the following motion was made by Commissioner Bell and passed unanimously:

To approve this amendment between the State of Nevada and the Humboldt County District Attorney's Office for child support enforcement.

RETREAT PLANNING: FINALIZING AGENDA AND ITEMS RELATED THERETO:

Administrator Mendiola reviewed the proposed agenda for the January 26th Commission Retreat for the Board. Discussion occurred regarding the status/cost of codification, the Dispatch Center Users Group and legislative matters. The Board agreed to an 8:00 a.m. start time and a working lunch.

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

REPORT OF PENDING ROAD DEPARTMENT PROJECTS: Superintendent Garrett updated the Board as to grading, road covering and crack sealing.

MISCELLANEOUS ROAD RELATED MATTERS: Discussion occurred regarding the condition of the new chip seal.

APPOINTMENTS TO SEVERAL BOARDS:

WINNEMUCCA CONVENTION AND VISITORS AUTHORITY - 2 YR TERM - 3 VACANCIES:

Provided to the Board for review were requests for re-appointment from Terry Boyle, Don Stoker and Herb Ross. The following motion was made by Commissioner Bell and passed unanimously:

To re-appoint Terry Boyle, Herb Ross and Don Stoker to the WCVA.

DENIO TV MAINTENANCE DISTRICT: No requests for appointment received for this Board. The Commissioners agreed that this Board along with some others needs to be looked at given the lack of people willing to serve on them.

GOLCONDA WATER BOARD - 2 YR TERM - 5 VACANCIES: Requests for re-appointment were received from Gayle Gamron, Valerie Whitehead and Frank Tinoco and requests for appointment were received from Brandy Mason and Gail Postic. The following motion was made by Commissioner French

and passed unanimously:

To re-appoint Gayle Gamron, Valerie Whitehead and Frank Tinoco and to appoint Brandy Mason and Gail Postic.

KING RIVER GID - 2 YR TERM - 5 VACANCIES: No requests for appointment received for this Board. **MCDERMITT GID - 2 YR TERM - 2 VACANCIES, SEATS B & E:** A request for re-appointment had been received from Dorothy Souza and requests for appointment had been received from Lorena Swindler and Dale Hartley. The following motion was made by Commissioner French and passed unanimously:

To appoint Lorena and Dorothy for the McDermitt GID.

OROVADA COMMUNITY SERVICES DISTRICT - 2 YR TERM - 5 VACANCIES: Requests for re-appointment were received from Gilberta Hetrick, Clay Smith, Donald Brumfey, Dave Black and Jan Schade. It was noted that Gilberta Hetrick cannot be re-appointed as she has termed out of the office. After discussion the following motion was made by Commissioner French and passed unanimously:

To re-appoint Clay Smith, Donald Brumfey, Dave Black and Jan Schade and to direct the Administrator to re-advertise for the other seat.

OROVADA FIRE PROTECTION DISTRICT: A request for re-appointment was received from Walter Wilson and a request for appointment was received from Jess Frey. The following motion was made by Commissioner Bell and passed unanimously:

To re-appoint Walter Wilson and to appoint Jess Frey.

OROVADA GID - 2 YR TERM - 5 VACANCIES: No requests for appointment received.

OROVADA RODENT CONTROL DISTRICT: No requests for appointment received.

PARADISE VALLEY FIRE PROTECTION DISTRICT - 2 YR TERM - 2 VACANCIES SEATS B & C: No requests for appointment received.

PARADISE VALLEY SEWER DISTRICT - 2 YR TERM - 5 VACANCIES: No requests for appointment received.

PUEBLO RURAL FIRE PROTECTION DISTRICT - 2 YR TERM - 5 VACANCIES: No requests for appointment received.

REQUEST FROM SHERIFF'S OFFICE FOR WAIVER OF ATTRITION POLICY RELATED TO A VACANT PATROL POSITION AND DISPATCH POSITION:

REQUEST TO FILL CLERICAL POSITION IN THE SHERIFF'S OFFICE THAT HAS BEEN VACANT FOR MORE THAN 120 DAYS AS REQUIRED BY THE ATTRITION POLICY: Sheriff

Mike Allen appeared before the Board and spoke in support of the waiving the attrition policy for the patrol deputy and dispatcher and for permission to fill the clerical position that has been vacant for more

MEMORANDUM

TO: COMMISSIONERS
FROM: ADMINISTRATOR
DATE: January 13, 2015
SUBJECT: CONSENT AGENDA

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

1. Petitions and Resolutions for Exemption related to certain budget requirements for Winnemucca Fire District, Denio Television District and Quinn River Television District. Attached are the requests for your review.

Recommendation: That the Commission approve the requests as recommended by the Comptroller

2. Clerk's quarterly report: Approval of Annual Water Budgets as proposed by state engineer. Attached is the report for your review.

Recommendation: That the Commission approve the water budget as developed by the state engineer's office.

3. CDBG Grant Quarterly Report. Attached is the report for your review.

Recommendation: The Commission approve the report as submitted and authorize the chair to sign.

MEMORANDUM

TO: COUNTY COMMISSIONERS

FROM: ADMINISTRATOR

DATE: JANUARY 12, 2015

SUBJECT: WATER DISTRIBUTION BUDGETS FOR 2015 - 2016 SEASON

BACKGROUND

Pursuant to NRS 533.280, each year the State Engineer is responsible for preparing budgets estimating the amount of money necessary to pay the expenses of various stream systems throughout the state. The budgets are then submitted to each Board of County Commissioners for certification as required by NRS 533.285. The following budgets have been submitted for the 2015-2016 season:

<u>Clovers Area Groundwater Basin:</u> \$4,699.38 increase from the 14-15 Season	\$14,006.52
<u>Desert Valley Groundwater Basin:</u> \$17.08 decrease from the 14-15 Season	\$ 5,408.45
<u>Grass Valley Groundwater Basin:</u> \$918.97 increase from the 14-15 Season	\$ 3,689.33
<u>Humboldt River Distribution:</u> No change from the 14-15 Season	\$14,091.95
<u>Little Humboldt River Distribution:</u> \$3,885.49 increase from the 14-15 Season	\$19,427.61
<u>Kelly Creek Area Groundwater Basin:</u> \$2,502.35 increase from the 14-15 Season	\$10,109.73
<u>Kings River Valley Groundwater Basin:</u> First year for this special assessment.	\$ 6,135.02

<u>Paradise Valley Groundwater Basin:</u>	
\$5,594.46 increase from the 14-15 Season	\$28,965.77
<u>Pine Forest Valley Groundwater Basin:</u>	
\$2.58 increase from the 14-15 Season	\$ 3,784.65
<u>Pumpnickel Valley Groundwater Basin:</u>	
No special assessment will be levied for the 14-15 season, or future years.	
<u>Quinn River Distribution:</u>	
No change from the 14-15 Season	\$ 6,674.70
<u>Quinn River Valley Groundwater Basin Distribution:</u>	
\$457.83 decrease from the 14-15 Season	\$11,637.41
<u>Silver State Valley Groundwater Basin:</u>	
\$1.23 increase from the 14-15 Season	\$ 3,967.07
<u>Winnemucca Segment Groundwater Basin:</u>	
\$1,687.00 increase from the 14-15 Season	\$ 6,808.32

ACTION:

Pursuant to NRS 533.285, "... the Board of County Commissioners shall certify the respective charges contained therein to the County Assessor. The County Assessor shall enter the amount of such charge or charges on the assessment roll against the claimants and the property or acreage served."

The Board is, therefore, requested to certify the charges and authorize the County Clerk to sign the certification attached to each budget. Copies of each budget will then be provided to the Assessor for inclusion on the assessment roll and to the State Division of Water Resources.

MEMORANDUM

TO: COUNTY COMMISSIONERS

FROM: COUNTY ADMINISTRATOR

DATE: January 20, 2015

SUBJECT: OTHER INFORMATION AND UPCOMING MEETINGS

OTHER INFORMATION:

1. Landfill Follow-up: During the January 5, 2015 meeting, the Commission discussed the approval of entering into negotiations with New Nevada Resources as both owner of the landfill property and operator. The Commission voted to table the issue due to lack of information regarding the current status of the project.

On December 16, 2014, New Nevada Lands, LLC (NNLL) sent a formal letter to Nevada Division of Environmental Protection (NDEP) requesting that NNLL be listed as both owner and operator of the permit, terminating Jungo Land and Investments, Inc. (JLII) as the operator.

On December 30, 2015, Debbie Leonard from McDonald-Carano-Wilson, LLP, representing JLII sent a letter to NDEP objecting to the request by NNLL citing several reasons.

On January 7, 2015, Eric Noack, Chief for the Bureau of Waste Management at NDEP, sent a letter to both NNLL and Debbie Leonard essentially telling both parties that nothing was going to happen with the permits until the issue between NNLL and JLII is settled.

In addition, Commissioner French had a concern that the law firm of Allison-Mackenzie, that was originally contracted to negotiate a Host Agreement with JLII, had a conflict of interest since they had worked with NNLL in the past. Administrator Deist had a conversation with Chris Mackenzie at the firm and he subsequently sent an email claiming that he has "no" conflict of interest.

Thus, as it relates to the original agenda item of January 5, 2015 and the above mentioned correspondence between all parties, it would seem prudent to take no action on the request to enter into negotiations with any party regarding a Host Agreement or any other issue until which time the two main parties can reach some kind of an agreement. All of the above mentioned correspondence are attached to the agenda online and available for your review.

UPCOMING MEETINGS:

1. January 23, 2015 League of Cities Meeting (Las Vegas)

2. January 26, 2015

Commission Retreat

UNOFFICIAL