

Monday, June 15, 2015

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, June 15, 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, Jim French and Ron Cerri, District Attorney Michael Macdonald, Administrator Dave Mendiola and Clerk of the Board Tami Rae Spero. Commissioner Mike Bell was not in attendance.

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

DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - MARCH 2, 2015, MARCH 16, 2015, APRIL 2, 2015, APRIL 17, 2015, MAY 4, 2015, & MAY 17, 2015 REGULAR MEETINGS; AND MARCH 30, 2015 SPECIAL MEETING:

Chairman Amos asked for corrections/additions for the minutes of March 2, 2015; none offered. The following motion was made by Commissioner Brissenden and passed with Chairman Amos and Commissioners Brissenden, French and Cerri voting aye and Commissioner Bell being absent:

To approve the minutes as presented for March 2, 2015.

No further minutes presented 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. Approval of television/radio assessment refund: Provided to the Commission for review was a refund request for Joan Graham. *Recommendation: For approval as recommended by TV Manager.*

The following motion was made by Commissioner Brissenden and passed with Chairman Amos and Commissioners Brissenden, French and Cerri voting aye and Commissioner Bell being absent:

To approve the consent agenda as presented.

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.

2015 LEGISLATIVE MATTERS: POSSIBLE FORMULATION OF COUNTY TESTIMONY/INPUT ON PROPOSED LEGISLATION, RESPONSE TO LEGISLATIVE COMMITTEE REQUESTS, NACO LEGISLATIVE REQUESTS FOR INFORMATION AND

RELATED MATTERS: Commissioner French informed the Board that he would be deferring the report to the next meeting so that he would be able to report on all outstanding items.

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ALLIED NEVADA GOLD CORP. ET AL. BANKRUPTCY UPDATE: Humboldt County Treasurer Gina Rackley appeared before the Commission and provided an update as to the Allied Nevada Gold bankruptcy including information received that the company had sold all of the units in the man camp as well as the houses in Frontier Village to New West Development and that part of the agreement was that all outstanding taxes would be paid; she noted that the County's bankruptcy attorney had indicated that it would still be appropriate to file a claim and explained why.

MISCELLANEOUS REPORTS AND CORRESPONDENCE:

OTHER INFORMATION AND UPCOMING MEETINGS: No items presented for this item.

REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES

THEY SERVE ON: Commissioner French stated that he would be attending a Nevada Association of Counties meeting that would relate to the sixty day Governor's consistency review for the sage grouse amendment. Commissioner Brissenden reported on her attendance at the Hospital Board symposium and the 25th anniversary celebration for Cyanco. Commissioner Cerri reported on his attendance at a Natural Conservation Committee meeting related to the Humboldt River water.

COMMISSIONER AMOS' APPEARANCE BEFORE THE NEVADA DEPARTMENT OF TRANSPORTATION BOARD ON MONDAY, JUNE 8, 2015 REGARDING COUNTY'S INTEREST IN THE I-11 PROJECT COMING THROUGH WINNEMUCCA AND I-95 NORTH:

Chairman Amos reported on his appearance before the NDOT Board during the public comment portion of the meeting to speak in support of the I-11 project coming through Humboldt County; he also noted that former County Commissioner Tom Fransway would be retiring from the NDOT Board after eight years of service and he suggested that the Commission present Mr. Fransway with a plaque expressing appreciation for his service in representing the County on that Board. The Commission concurred and agreed that a plaque would be presented at the next Commission meeting.

CLAIMS FOR EXPENDITURES OF COUNTY FUNDS: The following motion was made by Commissioner French and passed with Chairman Amos and Commissioners Brissenden, French and Cerri voting aye and Commissioner Bell being absent:

To accept the expenditures as presented.

PUBLIC HEARING: NUISANCE COMPLAINT AT 4215 WALTHER LANE, WINNEMUCCA,

NEVADA: Provided to the Commission for review was a copy of the complaint including photos filed by Bob Davidson, copies of the inspection reports prepared by the Building Official and the Sheriff's Office, including photos, a copy of the Notice per Humboldt County Code 8.04.050, a copy of the Notice of Posting, and a copy of the Notice of Publication of Hearing on Nuisance Compliant. Appearing before

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the Commission were complainant, Bob Davidson and property owners Johann Lyon and Lenora Madrid. Chairman Amos read the title of the item set to public hearing. Mr. Davidson addressed the Commission indicating that he owns two rental properties in this area and the difficulty in renting those due to the condition of this property. Ms. Madrid provided photos of the site to the Board and noted the portions that were not part of their property. County Clerk Spero noted that Building Official Bobby Thomas had inspected the site earlier today and indicated that while the fence had been removed from the road the overall condition of the property would still be considered a nuisance. Commissioner Brissenden commented that she had viewed the property and also felt that it was a nuisance. Chairman Amos asked for public comment. Debra Lyon appeared before the Commission and commented that she had been through this process before on a piece of property she owned and that it was not a pleasant experience to go through. After discussion the following motion was made by Commissioner Brissenden and passed with Chairman Amos and Commissioners Brissenden, French and Cerri voting aye and Commissioner Bell being absent:

That the property at 4215 Walther Lane is a nuisance.

County Clerk Spero asked for clarification as to how long the property owners have to abate the nuisance. Complainant Davidson stated that he understood that the clean-up would take time and agreed that the property owners should get sufficient time to address the issues. After discussion the following motion was made by Commissioner Brissenden and passed with Chairman Amos and Commissioners Brissenden, French and Cerri voting aye and Commissioner Bell being absent:

To allow for one hundred and twenty days beginning today to abate the nuisance.

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

REPORT OF PENDING ROAD DEPARTMENT PROJECTS: Superintendent Garrett reported on road repairs, gravel work, the status of the mag chloride project, paving/patching in front of the Kings River School, that the chip seal bid opening is set for next week and it will then be brought before the Commission in July for awarding and an upcoming Eden Valley Bridge Kick Off meeting. Discussion occurred regarding the condition of Cordero Road and that the issue will be coming before the Commission at a future meeting for a decision on how to proceed.

MISCELLANEOUS ROAD RELATED MATTERS:

AGREEMENT WITH KLONDEX MINE FOR ROAD MAINTENANCE: Superintendent Garrett reviewed the agreement for the Commission for Klondex Mine, new owner of the Midas Mine, to maintain the Midas Road from the end of the pavement to the County line; he noted that this is the same agreement the County had with Newmont for this road and he stated his support. The following motion

was made by Commissioner Brissenden and passed with Chairman Amos and Commissioners Brissenden, French and Cerri voting aye and Commissioner Bell being absent:

To approve the agreement with Klondex Mine for road maintenance as presented.

WAIVER OF ATTRITION POLICY TO FILL OPEN POSITION: Superintendent Garrett spoke in support of a waiver to the attrition policy for an equipment operator position due to a retirement in his department; he noted that this position works in the Orovada area and explained that by the time the hiring process is complete the 120 days identified in the attrition policy would have passed. Commissioner French discussed the need for the Commission to begin enforcing the attrition policy more stringently due to the budget concerns though he noted his understanding of the Road Superintendent's request. Commissioner Cerri agreed with the need to enforce the attrition policy. Superintendent Garrett explained the effect on the department and the road maintenance program if the position is filled. Discussion ensued. After discussion the following motion was made by Commissioner French:

To adhere to the one hundred and twenty day policy.

Chairman Amos called Commissioner French's motion to a vote and Commissioners French and Cerri voting aye and Chairman Amos and Commissioner Brissenden voting nay and Commissioner Bell was absent. Chairman Amos stated that the vote was a two to two tie and therefore no action is taken at this time. District Attorney Macdonald stated the matter could be tabled to the next meeting. The Board agreed. Chairman Amos stated that this item will be continued to the next meeting.

SHERIFF'S OFFICE REQUEST TO CONVENE THE HUMBOLDT COUNTY LIQUOR BOARD FOR CONSIDERATION OF SPECIAL EVENT LIQUOR LICENSES: Sheriff Mike Allen appeared

before the Commission and called the Liquor Board to order at 10:31 a.m.

SPECIAL EVENT LIQUOR LICENSES FOR PATTY ELLIFRITZ FOR NORTHERN NEVADA RACING ASSOCIATION - 3 EVENTS - JUNE 26TH, 27TH, 28TH - JUMPIN JUNE DRAGS; JULY 31ST, AUGUST 1ST, - 50S FEVER STREET DRAGS - SEPTEMBER 18TH, 19TH, 20TH - LOGAN HUNEWILL MEMORIAL STREET DRAGS: Sheriff Allen reviewed the applications for liquor

license for the Board and recommended approval on all three requests. Sheriff Allen called for a motion. The following motion was made by Commissioner Cerri, was seconded and passed with Chairman Amos and Commissioners Brissenden, French and Cerri voting aye and Commissioner Bell being absent:

To approve the special event liquor licenses for Northern Nevada Racing Association.

Sheriff Allen adjourned the Liquor Board portion of the meeting at 10:33 a.m.

COMMISSION RECOGNITION OF RAY OLSEN FOR 15-PLUS YEARS ON THE REGIONAL PLANNING COMMISSION: Ray Olsen appeared before the Board of Commissioners and Chairman

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Amos presented him with a plaque in recognition of his service on the Regional Planning Commission. Chairman Amos read the inscription on the plaque and offered his thanks to Mr. Olsen. Administrator Mendiola commented on serving on the Regional Planning Commission with Mr. Olsen and thanked him for that service.

HUMBOLDT COUNTY CLERK MATTERS: County Clerk Tami Rae Spero was present.

CONSIDERATION AND POSSIBLE APPROVAL OF THE INTERLOCAL CONTRACT BETWEEN NEVADA SECRETARY OF STATE AND HUMBOLDT COUNTY FOR ACCESS AND USE OF THE STATE BUSINESS PORTAL AND POSSIBLE AUTHORIZATION FOR THE COUNTY ADMINISTRATOR, COMPTROLLER, DISTRICT ATTORNEY AND CLERK TO SIGN THE AGREEMENT:

A copy of the Intrastate Interlocal Contract Between Public Agencies was provided to the Commission for review. Clerk Spero reviewed the agreement for the Commission noting that this is a new program that was established in the recent Legislative session and that the County is implementing this requirement at the lowest threshold at this time due to the cost for full implementation; she noted that both the District Attorney and the County Administrator have reviewed the agreement. The following motion was made by Commissioner French and passed with Chairman Amos and Commissioners Brissenden, French and Cerri voting aye and Commissioner Bell being absent:

To accept the approval of the Interlocal Contract between the Secretary of State and Humboldt County for access and use of the State Business Portal as per Legislative intent.

CONSIDERATION AND POSSIBLE APPROVAL OF THE INTERLOCAL CONTRACT BETWEEN NEVADA DIVISION OF HEALTH CARE & POLICY, NEVADA DIVISION OF WELFARE & SUPPORTIVE SERVICES & HUMBOLDT COUNTY FOR JULY 1, 2015 TO JUNE 30, 2017 TO CONTINUE THE COUNTY MATCH PROGRAM FOR INDIGENT SERVICES AND POSSIBLE AUTHORIZATION FOR THE CHAIRMAN TO SIGN THE AGREEMENT:

A copy of the Interlocal Contract Between Public Agencies was provided to the Commission for approval. Clerk Spero reviewed the purpose of this contract and noted that the contract had been reviewed by legal counsel. After discussion the following motion was made by Commissioner Cerri and passed with Chairman Amos and Commissioners Brissenden, French and Cerri voting aye and Commissioner Bell being absent:

To approve the Interlocal Agreement between Nevada Division of Health Care and Policy, Nevada Division of Welfare and Supportive Services and Humboldt County.

CONSIDERATION AND POSSIBLE APPROVAL OF THE AGREEMENT BETWEEN THE

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NEVADA HOUSING DIVISION AND HUMBOLDT COUNTY FOR 2016 TO USE ACCOUNT FOR LOW INCOME HOUSING WELFARE SET-ASIDE FUNDS AND POSSIBLE AUTHORIZATION FOR THE CHAIRMAN TO SIGN THE AGREEMENT:

A copy of the 2016 Agreement to Use Account for Low-Income Housing Welfare Set-Aside Funds by Humboldt County was provided to the Commission for review. Clerk Spero reviewed the agreement for the Commission, noting that it had been reviewed by legal counsel. The following motion was made by Commissioner Brissenden and passed with Chairman Amos and Commissioners Brissenden, French and Cerri voting aye and Commissioner Bell being absent:

To approve the agreement between the Nevada Housing Division and Humboldt County for 2016 To Use Account for Low-Income Housing Welfare Set-Aside Funds and to authorize the Chairman to sign.

PUBLIC HEARING COMPTROLLER/AUDITORS OFFICE: Comptroller Sondra Schmidt appeared before the Commission.

ADOPTION OF RESOLUTIONS TO AUGMENT THE 2014-2015 BUDGET OF HUMBOLDT COUNTY - 1. Building Reserve Fund (\$500,000.00); 2. Compensated Absences Fund (\$100,000.00), 3. Capital Projects Fund (\$100,000.00) (For CSI Communications Upgrade Project);

4. Winnemucca Events Complex Fund (\$150,000.00): Copies of the proposed resolutions were provided to the Commission for review. Comptroller Schmidt reviewed the request for the augmentation to the Building Reserve Fund noting that this would be to cover the contribution to the City of Winnemucca's Recreation Center Project. Chairman Amos asked for public comment; none offered. The following motion was made by Commissioner Brissenden and passed with Chairman Amos and Commissioners Brissenden, French and Cerri voting aye and Commissioner Bell being absent:

To approve the \$500,000.00 Building Reserve Fund to the City for the Boys and Girls Club.

(Resolution No. 06-15-15)

Comptroller Schmidt reviewed the request for the augmentation to the Compensated Absences Fund noting that this was necessary due to long-time employees leaving and the split of the Sixth Judicial District Court. Discussion ensued. Chairman Amos asked for public comment; none offered. The following motion was made by Commissioner French and passed with Chairman Amos and Commissioners Brissenden, French and Cerri voting aye and Commissioner Bell being absent:

To accept the recommendations on the part of the Comptroller's Office for the Compensated Absences Fund to add \$100,000.00.

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(Resolution No. 06-15-15a)

Comptroller Schmidt reviewed the request for the augmentation to the Capital Projects Fund for the CSI Communications Upgrade Project noting that per the auditor's recommendation all expenses associated with the project will be kept in one fund for the purpose of tracking those associated costs. Discussion ensued. Chairman Amos asked for public comment; none offered. After discussion the following motion was made by Commissioner French and passed with Chairman Amos and Commissioners Brissenden, French and Cerri voting aye and Commissioner Bell being absent:

To accept the recommendation on the part of the Comptroller's Office for increasing the Capital Projects Fund by a \$100,000.00.

(Resolution No. 06-15-15b)

Comptroller Schmidt reviewed the request for the augmentation to the Winnemucca Events Complex Fund noting that this was necessary because the swamp cooler project would be crossing into the new fiscal year. Chairman Amos asked for public comment; none offered. The following motion was made by Commissioner Cerri and passed with Chairman Amos and Commissioners Brissenden, French and Cerri voting aye and Commissioner Bell being absent:

To approve the Winnemucca Events Complex Fund augmentation of \$150,000.00 as recommended by the Comptroller.

(Resolution No. 06-15-15c)

CONSIDERATION OF RESOLUTION ADOPTING HUMBOLDT COUNTY'S COMMITTED

FUND BALANCES: A copy of the proposed resolution was provided to the Commission for review. Comptroller Schmidt reviewed the requirement of GASB 54 for committing fund balances. The following motion was made by Commissioner French and passed with Chairman Amos and Commissioners Brissenden, French and Cerri voting aye and Commissioner Bell being absent:

To approve the resolution adopting Humboldt County's Committed Fund balances as recommended by the Comptroller.

(Resolution No. 06-15-15d)

CONSIDERATION OF RESOLUTION ADOPTING HUMBOLDT COUNTY'S COMMITTED

FUND BALANCES FOR IN-LIEU TAX TRUST FUND: A copy of the proposed resolution was provided to the Commission for review. Comptroller Schmidt reviewed the requirement of GASB 54 for committing ending fund balances including PILT funds. After discussion the following motion was made by Commissioner French and passed with Chairman Amos and Commissioners Brissenden, French and Cerri voting aye and Commissioner Bell being absent:

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To accept the request on the part of the Comptroller's Office to transfer committed balances from the In-Lieu Tax Trust Fund.

(Resolution No. 06-15-15e)

ANNUAL PERFORMANCE REVIEW OF THE COUNTY ADMINISTRATOR AND POSSIBLE ADOPTION OF A RESOLUTION SETTING THE COMPENSATION FOR APPOINTED OFFICIALS AND OTHER EMPLOYEES:

A copy of the proposed resolution was provided to the Commission for review. Commissioner French commented, as he has previously, on his issues with doing the administrator's performance review in a public meeting as is required by statute; he continued offering an overall positive evaluation of Administrator Mendiola for the first six months as administrator. Commissioner Cerri stated that he is satisfied with Administrator Mendiola's performance but questioned whether both the cost of living and merit increases should be given as he is only at the six month mark. Commissioner French concurred noting that the other officials were receiving their merits at the year mark. Commissioner Brissenden stated that her performance evaluation of the Administrator was positive overall, that she had only two areas of concerns that she wanted him to be aware of related to the need for increased communication and transparency. Chairman Amos stated that he was not offering comment, that he had completed the evaluation form and it was satisfactory. District Attorney Macdonald explained what action was needed today. Commissioner Brissenden commented on her concerns with the total amount of costs for the merits and cost of living adjustments and stated that at some point the County is going to need to hold off on increasing salaries. Commissioner French agreed but noted that with this action they are finishing off the last of the current contract and that the regular employees had received their cost of living and merit increases so, to treat everyone equally, these increases would need to occur but he noted that coming into the next contract the County would have to re-evaluate how to proceed. Commissioner Cerri again noted his issue with a merit increase for the Administrator when he is only at six months. Commissioner French agreed and suggested that the Administrator would need to be re-evaluated at the one year mark. Administrator Mendiola stated that they could exclude his position from the resolution noting that this is just how the usual annual resolution is handled and the concern that if the merit is not done now, that it won't be done for another year which will make it eighteen months before the first raise is there. District Attorney Macdonald offered that a new resolution could be prepared striking the County Administrator or putting in whatever the Commission agrees to and then the Administrator's position could be addressed at a later date. The following motion was made by Commissioner French and passed with Chairman Amos and Commissioners Brissenden, French and Cerri voting aye and Commissioner Bell being absent:

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To accept the resolution for annual performance review for the County Administrator and a resolution setting the compensation for appointed officials and other employees as presented with the exception of the County Administrator for this year.

(Resolution No. 06-15-15f)

NEVADA DIVISION OF ENVIRONMENTAL PROTECTION (NDEP) TO UPDATE COMMISSION ON WELL MONITORING RESULTS IN GRASS VALLEY AND PRESENTATION OF WELL HEAD PROTECTION PROGRAM: Al Tinney, My-Linh Nguyen and

Kim Borgzinner of the Water Pollution Control Division of the Nevada Division of Environmental Protection (NDEP) appeared before the Commission. Ms. Nguyen presented a power point presentation regarding the Grass Valley Nitrate Data for 2013 and 2014. Discussion ensued regarding the data presented. Ms. Borgzinner addressed the Commission related to the Nevada Integrated Source Water Protection Program (NISWPP) which is a program that has evolved out of the Wellhead Protection Program; she reviewed the program, the planning involved, the communities that are involved and what the community needs to provide to participate including dedicated staff in the community. Discussion ensued regarding the program and how it could work in Humboldt County. Jill Sutherland a Senior Engineer and Project Manager with Resource Concepts Inc. a consultant involved with the NISWPP gave an overview of their involvement with the program and what they provide to the participating communities including coordination and technical support. Mr. Tinney summed up the presentation for the Commission noting that if the County is interested in participating in the program now would be the time as they are working in the area. Commissioner French commented on the County's need for a water management program and plan and stated that this would be a good beginning for the gathering of information to incorporate into such a plan. Commissioner French offered the following motion:

To accept the invitation of NDEP for a wellhead protection program in Humboldt County and ask them officially to include the County in their wellhead protection program.

Commissioner Cerri asked how this would coordinate with the City. Commissioner French observed that the City is already in a wellhead protection program. Ms. Borgzinner concurred and stated that the plan would be to give a presentation to the City also and work with them to update their program to make sure that everyone is working together to create a countywide perspective of wellhead protection and the consultant would work with everyone to coordinate that process. Chairman Amos asked about the cost for everything. Ms. Borgzinner stated that the process is 100% grant funded so the only cost would be related to staff at this time. Chairman Amos asked if there were any questions from the public. Les Martin appeared before the Commission and questioned who is responsible for the nitrate problem in

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the Grass Valley area as well as the needed infrastructure in the area. Chairman Amos offered the opinion that it was the people who resided in the area. Mr. Martin continued discussing how the area developed, the County awareness of the problems being created with that development and the County's intentional profiting from that development. Commissioner French concurred that everyone needs to come together and work towards a solution and suggested that the action today will help with that process. Mr. Martin continued discussing legal issues with the creation of a 318 district. Discussion ensued regarding the issue between Chairman Amos and Mr. Martin. Walt Curtis appeared before the Commission and commented on the testing of the wells and his interest in being involved with any committee that is formed. After discussion Chairman Amos asked Commissioner French to repeat his motion. The following repeated motion was offered by Commissioner French and passed with Chairman Amos and Commissioners Brissenden, French and Cerri voting aye and Commissioner Bell being absent:

To accept the offer from the State NDEP relative to wellhead protection program and get this thing started and to invite the State of Nevada NDEP into Humboldt County as they have in other counties statewide for data collections and determining solutions to the problems.

CONSIDERATION OF POSSIBLE SALE OF HUMBOLDT COUNTY PROPERTY LOCATED AT 90 1ST SOUTH STREET, PARADISE VALLEY, NEVADA (ALSO KNOWN AS THE FORMER PARADISE VALLEY FIREHOUSE) APN 4239-25-181-002, THE REQUEST TO PURCHASE THE PROPERTY BY CHARLES STEMPECK WHO OWNS THE LAND ADJACENT TO THE PROPERTY, THE APPLICABILITY OF NRS 244.281(1) (D) AND (E) TO SUCH A SALE, THE PROCESS TO COMPLETE THE SALE AND THE POSSIBLE TERMS OF THE SALE:

Charles Stempeck appeared before the Board. District Attorney Macdonald reviewed the statutory requirements for sale of county owned property. Mr. Stempeck explained that the parcel had originally been a part of the property that he now owns but had been parceled out for community use in 1947 and now that the property is no longer being used he would like to reclaim it. Discussion occurred about what options are available to the Commission for disposal of the property. Commissioner French stated his support for selling the property to Mr. Stempeck. Commissioner Cerri stated that he had checked around in Paradise and no one that he spoke to supported keeping the lot so he would support selling it. Commissioner Brissenden stated her support for selling the property. The following motion was made by Commissioner French and passed with Chairman Amos and Commissioners Brissenden, French and Cerri voting aye and Commissioner Bell being absent:

To start the process of the sale of the property formerly known as the Paradise Valley

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