

Tuesday, January 19, 2016

The regular meeting of the Humboldt County Board of Commissioners was called to order on Tuesday, January 19, 2016, at 9:30 a.m., in the regular place of meeting at the Courthouse, Winnemucca, Nevada. Those present were Chairman Marlene Brissenden, Commissioners Mike Bell, Garley Amos, Jr. Jim French and Ron Cerri, Deputy District Attorney Gabrielle Carr, Administrator Dave Mendiola and Clerk of the Board Tami Rae Spero.

PUBLIC COMMENTS: Chairman Brissenden asked for public comments. None were offered,
DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES SEPTEMBER 21, 2015, OCTOBER 5, 2015, OCTOBER 19, 2015, NOVEMBER 2, 2015, NOVEMBER 16, 2015, DECEMBER 7, 2015, DECEMBER 21, 2015, JANUARY 4, 2015 REGULAR MEETINGS & OCTOBER 15, 2015 AND JANUARY 11, 2016 SPECIAL MEETINGS: No minutes presented for consideration.

ADMINISTRATIVE REPORT:

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

1. Comptroller: Petitions & Resolutions for Exemption related to certain budget requirements for Winnemucca Fire District, Denio Television District & Quinn River Television District:

Following Comptroller Schmidt's review the following motion was made by Commissioner Bell and passed unanimously:

To approve the consent agenda as presented.

(Resolution Nos. 01-19-16/01-19-16a/01-19-16b)

SOLID WASTE MATTERS RELATED TO THE HUMBOLDT COUNTY LANDFILL INCLUDING BUT NOT LIMITED TO MONTHLY WASTE REPORTS, LANDFILL LIFE & FUTURE PLANS: Administrator Mendiola noted that the updated Solid Waste Plan will be reported on in a future meeting.

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.

UPDATE REGARDING CODIFICATION OF HUMBOLDT COUNTY CODES FOR ONLINE ACCESS BY PUBLIC: Deputy District Attorney Carr offered an update on the status of the codification project.

UPDATE ON LITIGATION IN FEDERAL COURT INITIATED BY WESTERN 01/19/2016 EXPLORATION, LLC, ELKO COUNTY, NEVADA, EUREKA COUNTY, NEVADA AND QUANTUM MINERALS, LLC, FOR DECLARATORY AND INJUNCTIVE RELIEF TO

BAR THE FEDERAL AGENCIES FROM IMPLEMENTING THE NORTHEAST CALIFORNIA/NEVADA SAGE GROUSE LAND PLANNING AMENDMENT (LUPA):

Commissioner French offered a status update,

MISCELLANEOUS REPORTS AND CORRESPONDENCE:

OTHER INFORMATION AND UPCOMING MEETINGS: Chairman Brissenden noted the dates for upcoming meetings.

REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES THEY SERVE ON:

Commissioner French noted upcoming meetings of the Nevada Association of Counties Board of Directors, the State Land Use Planning Advisory Council and the NevadaWorks Board. Commissioner Cerri reported on a Humboldt Foundation meeting where there had been a report of the funds contributed by the Ralph Whitworth to the Foundation being transferred to the Boys & Girls Club and the concerns that raised. No reports offered by Chairman Brissenden, Commissioner Bell or Commissioner Amos.

APPROVAL OF EXPENDITURES FOR 12/30/2015 THROUGH 01/13/2016: The following motion was made by Commissioner Amos and passed unanimously:

To approve the expenditures.

PRESENTATION OF AWARD TO EMPLOYEE OF THE MONTH - DECEMBER 2015:

Administrator Mendiola read the nomination information to the Board which nominated Karen Bannister of the County Administrator's Office as Employee of the Month for December 2015. Chairman Brissenden presented Mrs. Bannister with a plaque.

APPOINTMENTS TO SEVERAL BOARDS:

KINGS RIVER GENERAL IMPROVEMENT DISTRICT: Requests for appointment received from Diana Allen, Lindsey Smith, Jessica Smith, Martha Lopez & Wendy Muratore. The following motion was made by Commissioner Amos and passed unanimously:

To appoint Diana Allen, Lindsey Smith, Jessica Smith, Martha Lopez and Wendy Muratore to the Kings River GID,

GOLCONDA WATER BOARD: Requests for appointment received from Frank Tinoco, Alison MacDonald, Jewell Hayden and Valerie Whitehead. The following motion was made by Commissioner Cerri and passed unanimously:

To appoint to the Golconda Water Board Frank Tinoco, Alison MacDonald, Jewell Hayden and Valerie Whitehead.

CONSIDERATION OF AND POSSIBLE APPROVAL OF THE FORMATION OF THE DENIO LIBRARY BUILDING COMMITTEE RESPONSIBLE FOR ASSESSING THE NEEDS AND OPTIONS FOR A NEW LIBRARY BUILDING TO BE CONSTRUCTED IN

DENIO, NEVADA: Including but not limited to the selection of the property where the building will be built, building size and space needs.

Administrator Mendiola discussed what had occurred to this point on planning for a library facility in Denio including a tour of potential sites which had occurred, the status of the Dinsmore property, the input that had been received from the community and the plan to form a committee to work through the comments received, determine the best site and identify the needs of the new library. Commissioner Amos asked if a member of the Regional Planning Commission should be on the committee. Administrator Mendiola suggested that, as the RPC would need to deliberate on issuing a permit for whatever site is chosen, it could be a conflict. Commissioner Amos withdrew his suggestion, after discussion the following motion was made by Commissioner Cerri and passed unanimously:

To approve that Denio go ahead and form a committee to look into the building of a library building.

TREASURER: Treasurer Gina Rackley appeared before the Commission.

PRESENTATION OF THE QUARTERLY FINANCIAL REPORT, TAXES RECEIVED AND INVESTMENT POSITION, AS OF DECEMBER 31, 2015: Treasurer Rackley reviewed the interest earnings, how the interest is distributed and the status of Net Proceeds for the immediate future; she informed the Commission that Newmont had paid the outstanding taxes owed, which had been identified earlier as a result of an error in the Assessor's calculations, in full by the end of December.

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

REPORT OF PENDING ROAD DEPARTMENT PROJECTS INCLUDING MAINTENANCE DETAILS OF GRADING, CHIP SEAL, CATTLE GUARDS, BRIDGES AND CULVERTS, AS WELL AS ANY NEW ROAD PROJECTS: Superintendent Garrett reported on snow removal and culvert installations. Discussion ensued regarding the number of vacant positions in the department and the road maintenance agreements related to Midas Road and Jungo Road.

RETREAT PLANNING - Scheduled for January 25, 2016; Final determination of location, time and agenda items to be discussed at the Retreat. Items to include overall goal of the County for 2016-2017 including funding issues related to several unfunded liabilities, Building Reserve fund, Road Fund as well as other budget issues. Public Safety issues at the Courthouse, Detention Center and other sites as well as a Master Plan assessment of the Courthouse and Library. In addition other items such as a Water Plan and a maintenance schedule for the courthouse: Administrator Mendiola reviewed the guidelines for the retreat, the materials that will

be provided to the Commission for review and the items to be included on the agenda. Discussion occurred regarding what can and cannot be discussed.

Chairman Brissenden noted that item 9 which is next on the agenda is a time specific item and cannot be heard until 10:30 a.m.

CONSIDERATION OF AND POSSIBLE APPROVAL OF AN AGREEMENT BETWEEN HUMBOLDT COUNTY AND GRANICUS INC. TO PROVIDE AN AGENDA MANAGEMENT SOFTWARE TO BE USED BY THE COUNTY ADMINISTRATOR'S OFFICE FOR THE PREPARATION AND PRESENTATION OF COMMISSION AGENDAS:

Administrator Mendiola reviewed the request for the Commission noting the issues that exist with the current agenda system and the time it takes to prepare the agendas due to those issues; he discussed Granicus' superior agenda management system and detailed the benefits of converting to it. Commissioner Cerri asked if the program could be used by all of the County organization. Administrator Mendiola confirmed that it could be used by any office/department/board in the County and at no additional cost; he additionally explained how the County Commission would access the program to view the agendas. Commissioner Cerri asked if this item was included in the budget. Administrator Mendiola stated that it was not but that the budget could sustain the cost. The following motion was made by Commissioner French and passed unanimously:

To approve the request for an agreement between Humboldt County and Granicus Inc. to provide an agenda management software.

Deputy District Attorney Can suggested that item 12 on the agenda be addressed prior to item 11, the closed session.

CONSIDERATION OF AND POSSIBLE APPROVAL OF THE ADMINISTRATOR'S OFFICE TO RETAIN THORAN TOWLER, ESQ. AS THE COUNTY'S CHIEF NEGOTIATOR FOR THE UPCOMING LABOR NEGOTIATIONS AT A COST NOT TO EXCEED \$20,000:

Administrator Mendiola spoke in support of the request explaining the number of labor issues which have occurred over the prior year and the need to address some issues during the upcoming labor agreement negotiation process; he requested that Thoran Towler be retained to handle those negotiations and noted that Mr. Towler has assisted the County with some of the labor issues over the past year as he is part of the Pool/Pact group and that while the cost may not be as high as \$20,000.00 he would like sufficient funds to cover any costs. Commissioner Amos asked if this would result in the employee's associations having to retain negotiators as well; Administrator Mendiola stated his assumption that they would. Treasurer Gina Rackley commented on her concerns with the unbudgeted expenditure of \$20,000.00 given the fiscal issues the County is facing as well as why the outside negotiator was done away with in the past, concerns expressed by other County employees about this proposal and that the ability to handle negotiations had been part of the job description for the County Administrator position. Commissioner Bell stated that he believed

the negotiations have went well recently and the process has been less adversarial than it was when outside negotiators were involved. Commissioner Amos commented on issues in the past during negotiations. Commissioner Cerri suggested that an outside negotiator not be brought in at this point, that the process proceed as it has in the past and we see how it goes. Commissioner French noted that in past negotiations there has been a hired negotiator on the other side and that the County has been under represented; he further suggested that the County needs to look at this as two different parts related to negotiations as well as labor disputes; he noted his concern about the exposure that the County faces in these matters. Kristi Scheidt spoke on behalf of the general unit's association stating that in the last couple of negotiations their association did not have an outside negotiator and that she believed the process went a lot smoother; she agreed with the Administrator that there are some items in the current contract that need to be looked at and explained that the Association would have their legal counsel review that language but they would not be present during negotiations. Commissioner Amos noted that the main advantage he sees is that given this is the Administrator's first year this would help him to learn the process. Administrator Mendiola stated that he has no doubt that he could make the current process work and he would not be opposed to that but that what Mr. Towler brings to both himself and his office, given his experience, is a lot of knowledge in a short time period; he commented on some concerns he has with the current agreements. Commissioner Cerri stated that at this point he would prefer to see it be done in-house but should either of the associations bring in negotiators than the County should as well. Ms. Scheidt noted that on certain items it may be necessary to have legal review. Commissioner French commented on what had occurred in the past with the hired negotiators and his concern that those types of issues not occur again; he noted that the Law Enforcement Association does use a hired negotiator and asked how that should be addressed. Commissioner Bell commented that the Commission has the final say on anything being considered but if the matter goes to arbitration it may be necessary to bring someone in, so he believes we leave it as is for now. Commissioner Amos concurred. Chairman Brissenden asked if legal counsel had any comments. Deputy District Attorney Carr stated that she had no comments on the item agendaized but did offer that other options which could be placed on a future agenda for discussion. Discussion occurred regarding the services POOL/PACT provides as opposed to a labor attorney. Commissioner French suggested that the County Administrator handle the process this cycle and that the issue be looked at next year to see if re-consideration is warranted. The following motion was made by Commissioner Bell and passed unanimously:

To not approve the \$20,000.00 for Moran Towner as chief negotiator.

**CLOSED LABOR SESSION: THE BOARD OF COUNTY COMMISSIONERS MAY MEET IN
CLOSED LABOR SESSION PURSUANT TO NRS 288.220(4) TO MEET WITH THE COUNTY'S
LABOR REPRESENTATIVE REGARDING LABOR NEGOTIATIONS:** Administrator Mendiola

stated that with the decision made on the prior item, it would not be necessary for the Commission to proceed with the closed session.

DELIBERATION AND DECISION REGARDING JANUARY 11, 2016 PUBLIC HEARING HELD TO CONSIDER AN APPEAL OF A CONDITIONAL USE PERMIT (UH-15-08) APPROVED BY THE REGIONAL PLANNING COMMISSION AT THEIR NOVEMBER 12, 2015 MEETING TO ALLOW CONSTRUCTION OF A 70 FOOT X 125 FOOT STEEL BUILDING AT 110 BRIDGE STREET IN PARADISE VALLEY, NV FOR USE AS A GYMNASIUM:

Chairman Brissenden read the title of the item to be heard and noted the special meeting that had been held in Paradise Valley on January 11, 2016 to consider this appeal. Chairman Brissenden asked if the County Commission had any comments. Commissioner French asked if there was any further information from the public. Chairman Brissenden asked for public comment. Karlene Hall appearing on behalf of Crawford Cattle spoke in support of a multi-purpose building as opposed to the planned gymnasium.

Gary Echevarria appeared on behalf of the Paradise Valley New Building Fund and stated that the group was issued a conditional use permit to build a gymnasium/sports center by the Regional Planning Commission on November 12, 2015 as it is not a prohibited use in M-3 zoning and because it conforms to the Master Plan designation of high-density residential, that the appellants argued against the permit at the January 11th special meeting and then two days later applied for and received a conditional use permit for property in the same area with the same designations, that the new application was supported by the PVNBF group as they should be able to exercise their property owner rights and as such the PVNBF group would like the ability to exercise their property rights as well and so request the denial of the appeal; he further noted that the PVNBF group has never stated that the proposed sports center would be converted to a community hall as has been suggested.

Theresa Ure appearing on behalf of the appellant offered comment on the statutory language related to nuisance, Nevada case law related to nuisance and stated that the appellant believes that placing this gym facility on the property being discussed today would constitute a nuisance for the neighbors.

Jeff Johnson, Humboldt County Assessor, appeared before the Commission to clarify information related to the tax cap and how that could effect monies collected to support the building. Discussion ensued regarding a voter approved override and what would be involved with creating a General Improvement District.

Tom Cassinelli commented on the proposal for the County to take the gym over and for the creation of a General Improvement District to support the facility, which he believes will not find support in the community; he further commented on the alternate location and why it was selected and why the plan is moving forward at this time; he asked that the County take a stance that they will not be involved

in taking over the facility and deny the building of the gym as he does not believe it will be used in the manner proposed,

Leland Miller addressed the Commission stating his opposition to the building but saying that if it is done he would prefer a multi-use building.

Rolfe Schwartz appeared before the Commission and asked Deputy District Attorney Can if there was anything legally that would allow denying this conditional use permit on 110 West Bridge Street. Deputy District Attorney Can responded that, from what she has seen in the record that would support a denial of the permit, no. Mr. Schwartz stated his belief that the building fits the community and needs to be done for the kids as the location works very well being close to the school and the park.

Chairman Brissenden asked for further public comment; none offered.

Deputy District Attorney Can reminded the Commission that much of the information provided is not relevant to the decision they need to make; she explained that the focus is on two findings - whether or not this conditional use permit application complies with the Master Plan and whether or not it complies with the zoning requirements, that is the determination. She continued stating that the three options in relation to the determinations are to deny it, to approve it with the conditions as approved by the Planning Commission or approve it with modified conditions and that, if the decision is to either deny it or change the conditions, the decision must be by a unanimous vote of the Commission, while a decision to approve it as is, would just need to be a majority vote.

Commissioner Bell commented that it was unfortunate that everyone can't get what they want, that he hopes the community can continue to work toward a community center as that would be wonderful but that he does not see any evidence that the proposal does not meet the County's Master Plan or zoning ordinance.

Commissioner French commented on how hard it is not to incorporate all of the information provided which is making this a difficult decision for him, that there are a lot of great ideas on the ground, that a lot of folks have put in a great deal of work on this and that there are people who will win and people who will lose based on this decision; he continued commenting on the appeal of this CUP based on the issue that it does not meet the Master Plan and zoning due to its effect on the peace, contentment and the welfare of the community and his questions as to what that means given the differing effect on those qualities based on whether someone lives on Bridge Street or elsewhere, as well as his concerns that this proposal was to build a gymnasium to fit on this piece of property and to skirt other types of requirements; he suggested that the community should look at this as an opportunity to build what is needed, a multi-purpose building, as opposed to what they can afford at this time.

Commissioner Cerri commented on how this issue has divided the community, that it is not a black and white issue and that a lot of things have come up that, maybe, shouldn't be taken into account

but that is very hard not too; he continued commenting on his concern about a private party building a facility in a manner to circumvent certain requirements and then the County taking it over and what type of precedence that would set and stated that he wished the community could come together and re-open discussion to build what is best for the community.

Commissioner Amos commented on the need for agreement among everyone to actually get this building built and questioned the ownership and how the title will be held for the other piece of property being discussed; he noted the difficulty in making this decision and suggested that the decision should be based on whatever is the most solid as far as ownership and who can afford to put the building up.

Chairman Brissenden reviewed what actions the Commission can take with this appeal and based on those actions asked if the Commission had any additional conditions to add.

Commissioner French stated that he could see only one pathway without a definition as to what the peace, contentment and welfare requirement is, as that is a slippery slope as to what it is; he continued, stating for the record, that his worst case scenario here is that the Commission passes on commenting on what is occurring and this building gets built in an attempt to circumvent the State Fire Marshall requirement's for a sprinkler system and then, ten or fifteen years down the road, the building gets used as a public building and the County accepts the liability and responsibility if anything were to happen therefore he would suggest that the Commission modify the conditions within the CUP to include a requirement to fully comply with applicable zoning and fire codes for a multi-purpose building. Deputy District Attorney Carr recommended, with all due respect, that if such a condition is to be added that the facts or evidence be identified within the record that supports that finding as both the application and the applicant have indicated that the facility is to be a gymnasium or sports center specifically not a community center as any conditions must be rationally related to the actual application and intended use. Commissioner French agreed with Deputy District Attorney Carr's statement and does not think that type of recommendation should be taken lightly however he noted that everyone sat in on that meeting in Paradise where discussion took place about the use of the building for the children but the conversation kept coming back to the other uses of the property including the comments on the Facebook post which clearly discussed what the intended use of the building was to be; he agreed with what the application indicated but what he heard during public comment and through the testimony in Paradise Valley was that there is intent and expectation from the community to use the building for other things and based on that he feels that the Commission needs to err to the conservative side to protect the interests of the public.

Commissioner Amos suggested that to be successful the facility must be multi-use and compared it to the Winnemucca Events Complex,

Chairman Brissenden commented on the concerns voiced about the liability for the County as

well as the issues with the CUP and the need to have specifics to include additional conditions.

Commissioner Bell commented on his agreement with everything being said but suggested the problem is that it is all speculative; he noted the ability of this matter to be appealed to District Court and observed that if the building complies with the Master Plan and the zoning ordinances he believes the Commissions' hands are tied and while he would like to see additional conditions placed he does not know what those would be,

Commissioner French noted that, based on the testimony of the community members and the information on Facebook this building will be multi-use, that the gymnasium is only indicated on the application; he stated his responsibility to look out for the health and safety for all of the residents of the County and stated his concerns that this building will be used for other uses than those stated on the application.

Deputy District Attorney Carr reminded the Commission that a future use or anticipated use in the future is not what is being considered today, if this property owner/applicant wants to build a building they have a right to do that, if it complies with the Master Plan and zoning, plus they have to meet all of the other requirements not just this permit, she continued noting that one of the conditions placed by the RPC was the need to notify Planning if they intend to deviate from the use, so one option the Commission does have is to strengthen condition number three to include language that if the applicant/owner intends to use it for other than a gymnasium/sports center then the applicant/owner shall notify the Planning Department and shall file a request for a new or amended CUP and shall be required to address any additional fire safety, parking or other state, federal or local requirements.

Commissioner Cerri noted that in the RPC minutes the applicant/owner indicated that there would be a kitchen in the facility, that it would be used for meetings and the bookmobile would stop there, so when does a gymnasium become more than a gymnasium? Deputy Can stated when it is used for something other than gymnasium/sports related activities noting that clarification was given several times by the applicant/owner that the intended usage was only for a gymnasium/sports center at this time. She further stated her greatest concern in protecting the County is the inclusion of a condition that is not rationally related and that any decision made must be fact based.

Charles Stempeck asked if, based on the parameters currently in place, whether the property would never be allowed for multi-use, Commissioners Bell and Cerri agreed. Deputy Can respectfully disagreed noting that the property owner could take alternate steps such as negotiating with other property owners to obtain additional property. The Board concurred and agreed that as it stands now it could not be used as a multi-use facility.

Betty Lawrence, Senior Planning Technician for the Planning Department, appeared before the Board and offered clarification as to the requirement for a sprinkler system, if the owners wished to

change the use to multi-purpose, as well as how additional parking requirements could be handled. Commissioner Cerri asked about the occupancy cap for a gym. Mrs. Lawrence suggested that occupancy questions be directed to the Building Official/Fire Inspector but noted that parking is not based on occupancy but rather on square footage.

Administrator Mendiola commented that the County does own property next to the proposed site for this building and questioned, whether, the Commission would consider annexing this piece into that one to help address some of the issues. Chairman Brissenden stated that as this item is not on the agenda it cannot be discussed at this time. Commissioner French noted the great opportunity to come together to make this project work.

Commissioner Cerri asked for clarification as to the language of the motion and offered the following language - *The property does meet the Master Plan requirement as well as zoning requirements.*

Deputy District Attorney Can noted the need to include language stating that based upon those findings the Commission is either going to approve with the conditions as stated by the Planning Commission or motion to approve with modified conditions. Commissioner French stated his request that the conditions be modified to include the language related to the sprinkler system required by the Fire Marshall for a multi-use building noting again the testimony offered related to the planned usage for this building.

Commissioner French offered the following motion:

To modify the CUP on the 110 Bridge Street property to include full compliance with applicable zoning code and fire code for a multi-purpose building.

Commissioner Bell questioned the modification offered by Commissioner French as opposed to the modification discussed earlier related to the language of Staff's recommendation number three; he noted his concerns about including a requirement for a multi-use building as that was speculation.

Applicant, Gary Echevarria, appeared before the Commission and re-stated that the application is for a gymnasium/sports center and questioned how the Commission could deny that on pure speculation from the opponents. Commissioner French responded by noting what had been discussed during the meeting in Paradise Valley including the Facebook post about the plans for the building and numerous references to the use of the building for funerals and other gatherings. Mr. Echevarria stated that the Facebook post was one of the first things done long before the CUP application process began and that over a period of time the plans changed for a variety of reasons including the available funding and now the application is to build a gymnasium for the kids period; he stated his agreement with Commissioner Amos' comments as to who can actually perform noting that this project is actually viable.

Commissioner Bell suggested that the motion should include language in recommendation

number 3 to make it a bit more concrete to protect the people rather than the language related to the fire code. Mr. Echevarria stated that he would be okay with that. Chairman Brissenden asked how that can be done and what specific language can be added to give credence to what the Commission is trying to do here. Deputy District Attorney Carr re-stated her prior suggestion for language that could be included in recommendation three. Commissioner French asked what the threshold would be for that and asked about defining what "multi-use" is. Deputy District Attorney Carr stated that was not something before the Commission today; she further stated that as Deputy District Attorney she would never advise the Commission to allow someone to violate the law, so if the suggestion is that this Commission is just going to let them violate the law, she would strongly recommend otherwise and she would strongly recommend and caution that if the commissioners are receiving reports that the property being used for an unintended/prohibited use that is not authorized by the conditional use permit, then by doing so they are allowing a public safety issue to occur should it be allowed to continue. She stated that her concern is that the Board is worrying about what may happen in the future and the application that is before the Board today is for something specific but what is being discussed is what could potentially and may likely occur in the future but she would recommend that the Commission ensure that people are complying with all the state, local and federal regulations when dealing with issues such as the use of a building, as people's lives could be impacted by that adversely and further noted that the CUP could be revoked immediately following notice and the opportunity to be heard as to allegations that the building is being used for other than its intended or permitted use and this Board could shut it down until all safety issues are addressed. Commissioner French responded that this Commission does not want to do that but he again questioned how "multi-purpose" is defined and at what point that threshold is crossed; he further asked if the other gymnasiums in Humboldt County, Winnemucca are compliant to multi-use or were the Fire Marshall's requirements also skirted on those. Commissioner Bell noted Commissioner French's motion on the floor and stated that while he would not be in favor of a fire suppression system but that he would support making condition 3 different, to make sure that the public is safe. Commissioner French addressed the Chair and stated that as Commissioner Bell has indicated that he will not support his motion and it must be unanimous then the motion is dead and suggested that Commissioner Bell offer a motion. Deputy District Attorney Carr offered the option that the motion could be made in 3 parts related to the consistency with the master plan, consistency with zoning ordinances and if the vote is affirmative on both of those than make a motion on whether to approve the application and what additional changes the Commission may want to make. Commissioner French withdrew his motion. The following motion was made by Commissioner Bell and passed unanimously:

That the application and use as a gymnasium does comply with the County Master Plan.

The following motion was made by Commissioner Bell and passed with Chairman Brissenden

and Commissioners Amos, Bell and Cerri voting aye and Commissioner French voting nay:

That the application and use as a gymnasium does comply with the Humboldt County zoning ordinances;

Commissioner French stated for the record that he felt that the definition of the peace, contentment, welfare requirement is not met.

Chairman Brissenden asked Deputy District Attorney Carr to again clarify what the third motion would cover. Deputy Carr stated that the third motion would be whether to deny or approve the application and then whether the Commission wants it to be on the conditions as stated and approved by the Planning Commission or modified. She further noted that the motion that the application complies with zoning has to be a majority vote but a motion to modify or deny the application must be unanimous. Commissioner Bell noted the language suggested by Deputy District Attorney Carr earlier and suggested that if the owners began using the building as a multi-purpose facility they should be immediately required to install a sprinkler system. Chairman Brissenden commented that if the sprinkler system is going to be required that it should be done initially as opposed to once the permit is revoked as the building would already be built and it would cost a lot more to install it at that point. Deputy District Attorney Carr stated that would be a decision of the business owner. Commissioner Bell stated that it is purely speculative at this point until they violate and if they never violate it would not need to happen. Commissioner French asked what would define a violation. Commissioner Bell suggested the use must be sports related, a basketball game, jumping jacks, and kids in the building playing something like that. Deputy District Attorney Carr referred the Commission to condition 8 of the permit which was added by the Planning Commission which would require any proposed change from use as a gymnasium such as a community center would require an amendment be submitted to Planning and be approved by the Planning Commission. Mr. Echevarria stated that they had agreed to that.

Mrs. Lawrence explained the process for what would occur if a violation was reported to the Planning Department and noted that violations have occurred in the best and once reported, have been addressed.

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

That based on the recommendations of the Planning Commission that the Commission approves this with all of their conditions.

Deputy District Attorney Carr stated that as the motion did not modify or deny, there is nothing in the ordinances that requires a unanimous vote.

A brief recess took place commencing at 11:52 a.m. with the Commission re-convening at 12:04 p.m.

CONSIDERATION OF AND POSSIBLE APPROVAL OF PROPOSAL FROM RESOURCE CONCEPTS, INC. (RCI) FOR CONSULTING SERVICES NOT TO EXCEED \$24,500 TO DEVELOP A WATER PLAN FOR HUMBOLDT:

Based on a review of lessons to be learned from Serpa and Redrock, the goal of the plan will be to contain critical elements to support County authority to make decisions regarding water resources in the County. Lynn Zonge, Hydrologist and Fluvial Geomorphologist with RCI appeared before the Commission. Administrator Mendiola explained the purpose of this item including the long term goal of creating a County Water Plan, the renewed concerns related to out of basin transfers, other projects within the County that RCI has been involved in and his request for a proposal from RCI to proceed with meeting the basic requirements of a water plan. Ms. Zonge discussed RCI's involvement with water plans in other counties, their expertise in water issues, well as other projects they have been involved in with Humboldt. Commissioner French commented on his work with RCI on other matters and that they offer a quality product. Administrator Mendiola discussed what had occurred to this point with the creation of a water plan for the County and noted that what he had learned is that a plan must be specific to the County's basins and a template must be created, he had then went to RCI and inquired how to accomplish that and they had provided a statement of work which included using a lot of the work that has been done and that will provide a really good foundation for what the County wants to achieve; he commented on his concerns that his office does not have the time and expertise to complete this project and that may result in more cost in the long run and that his ultimate goal is to achieve what the Commission wants done and has wanted done for a number of years.

Public comment was offered by Tony Lesperance in support of a water plan and what is being proposed as well as suggestions on what needs to be included in a water plan based on his experience with creating Elko County's plan; he noted that the Extension Office would also be a great resource for assistance; he commented on the issues occurring in Washoe County and the risk those issues place on Humboldt County water.

Commissioner Bell asked if there were any "teeth" to a county water plan since the vast majority of the water in the County is already adjudicated and the State Water Engineer makes the decision as to whether or not transfers are done. Commissioner French responded noting that Humboldt County is the last county to implement a water plan and explained how a water plan can be used to impact the State Water Engineer's decisions related to water transfers; he stated his agreement with involving the Cooperative Extension Agent in the process as well as his support of having RCI assist in building the framework for the County Water Plan.

Ms. Zonge commented on the importance of the water plan and what would be contained in it including County priorities, plans for unallocated waters and future uses/priorities. Commissioner Cerri asked if \$24,500.00 would be sufficient to cover the cost or would it just be a start. Ms. Zone responded