

REGIONAL PLANNING COMMISSION MINUTES

The Humboldt County Regional Planning Commission (RPC) meeting was held on Thursday, October 22, 2015 at 5:30 p.m. in the Meeting Room of the Humboldt County Courthouse located at 50 West Fifth Street, Winnemucca, Nevada.

COMMISSIONERS PRESENT

Brad Bauman
Ken Hladek
Jennifer Legarza
Vickie Rock
Lewis Trout
Mike White

COMMISSIONERS ABSENT

Jean Kinney

STAFF PRESENT

Betty Lawrence Niki Linn

LEGAL COUNSEL

Gabrielle Carr

PUBLIC PRESENT

Ginger Peppard

I. OPENING

A. Chair Rock called the meeting to order and led members and guests in the Pledge of Allegiance.

B. Roll call was taken; there was a quorum present.

C. Public Commentary

Chair Rock called for public comments and hearing none, closed the public comment period.

D. Review, Correction and Approval of Minutes of October 8, 2015

Chair Rock asked if there were any corrections to the October 8, 2015 minutes. Mr. Trout stated that he had provided a revision to staff that was included in the official minutes. With no other corrections, he made a motion to approve the minutes as revised. Mr. White seconded the motion, which carried with all in favor.

E. Requests for Postponement of Agenda Items

Chair Rock asked if there were any requests for postponement of agenda items. Ms. Lawrence stated there were no requests.

II. PUBLIC HEARING - Discussion & Possible Action

A. **UH-15-07** A conditional use permit application submitted by Duane Peck, on behalf of Marigold Mining Company, to add property to the existing mine project. The property is located 3 miles south of Valmy. Property to be added includes APNs 3343-21-100-003, 3343-29-100-003, 3243-05-100-001 and 3242-01-100-001.

Chair Rock asked if staff had any additional information to present. Ms. Lawrence had nothing to add. Mr. Trout disclosed that he received a water bottle and lanyard from Marigold during a tour of the mine; however, he felt that he could participate in discussion and action on this item.

Chair Rock invited questions from the board. Mr. Hladek asked Ms. Lawrence for clarification that the scope of activities for the property would be the same as what was allowed under Newmont's conditional use permit (CUP) and also asked if Newmont's CUP would be voided. Ms. Lawrence stated that the activities would remain the same under Marigold's CUP and Newmont's CUP would be voided.

Chair Rock invited the applicant to come forward. Ginger Peppard, Environmental Manager for Marigold Mining Company, introduced herself. She reported that in September, Marigold closed a transaction to acquire approximately 7,000 acres from Newmont Mining Corporation. She explained that currently the land use would not change; it is simply a change of ownership. Based on the acquisition, Marigold is adding the property to its current CUP.

Mr. Trout asked if the National Environmental Policy Act (NEPA) work done by Newmont would roll over to Marigold. Ms. Peppard stated that it would at this time; however, if the land use changes, Marigold would have to remain in compliance with NEPA requirements.

Mr. Hladek stated that the current NEPA only covers a portion of the land and asked if the NEPA approval would have to be modified if the project area expands. Ms. Peppard stated that such expansion would require modification. Mr. Hladek asked if Marigold has a permit to dispose of hazardous waste from the mine. Ms. Peppard stated that Marigold does have a permit from the Environmental Protection Agency (EPA) for disposal. Mr. Hladek asked if blasting would occur at the site. Ms. Peppard stated it would not occur in the near future because most of the pits are exploratory.

Mr. Trout made a motion to approve UH-15-07 per staff's recommendation. Mr. Hladek seconded the motion, which carried unanimously.

III. COMMISSION / STAFF / LEGAL COMMENTS / COMMITTEE REPORTS / TRAINING OPPORTUNITIES - Discussion & Possible Action

A. Review and Discussion of new Open Meeting Law 2015 Legislative Amendments

Ms. Carr distributed copies of recent Open Meeting Law changes. She explained that nine amendments to the Open Meeting Law were made during the last legislative session under Senate Bill (SB) 70. She briefly reviewed the amendments. Ms. Rock stated that she did not see any significant changes that would necessitate changes to the RPC Handbook. Ms. Carr offered to review the manual to confirm that issue.

Ms. Carr reviewed the nine amendments, which include:

- Definition of "quorum" was clarified.
- "Working day" was defined to relate to Monday through Friday.
- A list of statutory "exceptions" to general provisions of the Open Meeting Law is set out. Ms. Carr stated she intends to look up the laws to which the amendment applies and will report back if any are pertinent to the RPC.

- "Administrative Action" requires placing the name of the person on the agenda. Agendas will reflect the name of the applicants for use permits, home-based businesses, etc.
- Compliance with "minimum public notice" must be documented in writing. Ms. Linn clarified that she notes the time on the agenda at each location when posted and keeps a master agenda with the time of posting for every location.
- Designation of "alternates" to attend public meetings is further refined. The RPC does not have alternates; however, it is allowed for the RPC to direct someone to attend a meeting on their behalf.
- "Approval of minutes" of public meetings requirement is strengthened. The amendment states that "a public body shall approve the minutes of a meeting within 45 days after the meeting *or at the next meeting of the public body, whichever occurs later.*"
- The Attorney General's Office (AGO) investigation file of OML complaints, including all documents and other information compiled pursuant to NRS 241.039(2), is confidential until the investigation is closed.
- Certain documents found in the AGO's investigation files are declared to be public records.

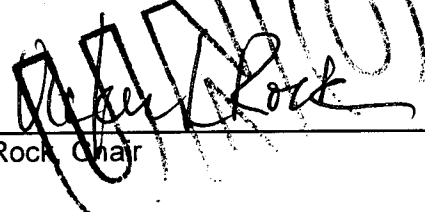
Mr. Trout asked Ms. Carr to provide an opinion as to whether RPC members are considered Public Officers. Ms. Carr stated that RPC members are considered public officers and therefore, need to fill out the acknowledgement form available on the Commission on Ethics website: http://www.ethics.nv.gov/COE_website_files/coe_forms/Acknowledgment%20form%20rev.06_30_2010.pdf

IV. CORRESPONDENCE / BUDGET / PERSONNEL - Discussion & Possible Action

None

V. PUBLIC COMMENTARY

Chair Rock called for comments from the public and hearing none, adjourned the meeting at 5:58 p.m. until November 12, 2015 at 5:30 p.m.



 Vickie Rock, Chair

